

PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS
JANUARY 15, 2020

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, January 15, 2020 at 7:00 p.m.**, in the Legislative Room 203, 100 North Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order at 7:00 p.m.

Invocation.

Pledge of Allegiance.

Opening Roll Call: Sieber, De Wane, Nicholson, Hoyer, Erickson, Borchardt, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Kneiszel, Deslauriers, Tran, Moynihan, Suennen, Schadewald, Lund, Deneys.

Late: Gruszynski (8:30pm), Lefebvre (7:08pm)

Total Present: 24 Total Late: 2

No. 1 -- ADOPTION OF AGENDA.

Chairman Moynihan amended the agenda by striking Items #12a-#12c and taking Item #11e after Item #2.

A motion was made by Supervisor Nicholson and seconded by Supervisor De Wane **“to approve agenda as amended.”** Voice vote taken. Motion carried unanimously.

No. 2 -- COMMENTS FROM THE PUBLIC:

- a) State name and address for the record.
- b) Comments will be limited to five minutes.
- c) The Board's role is to listen to public comments, and not ask questions, discuss nor take action regarding public comments.

**Supervisor Lefebvre arrived at 7:08pm*

Two people spoke in regard to the Eagles Nest Boat Landing.

Six people spoke in regard to the ORDINANCE TO CREATE CHAPTER 15 OF THE BROWN COUNTY CODE OF ORDINANCES ENTITLED “REDISTRICTING PROCEDURE”.

**Supervisor Gruszynski arrived at 8:30pm*

Forty-two people spoke in regard to the RESOLUTION DECLARING BROWN COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY.

The list of commentators is on file in the Brown County Clerk's Office

Supervisor Deslauriers read letters written on behalf of State Representatives concerning the RESOLUTION DECLARING BROWN COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY.

Letters read by Supervisor Deslauriers are attached at the end of the minutes

**Item #11e was taken at this time.*

No. 11e -- RESOLUTION DECLARING BROWN COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY.

A motion was made by Supervisor Deslauriers and seconded by Supervisor Kaster **“to adopt.”**

The Supervisors were presented an alternate Resolution: RESOLUTION FOR CONTINGENT REFERENDUM REGARDING WHETHER BROWN COUNTY SHOULD BE DECLARED A SECOND AMENDMENT SANCTUARY COUNTY.

Following, a motion was made by Supervisor Suennen and seconded by Supervisor Van Dyck **“to amend by adding the words ‘, meaning that Brown County’ after ‘Question: Should Brown County be declared a Second Amendment Sanctuary County’.”** Roll call vote taken.

Roll Call:

Aye: Van Dyck, Suennen, Schadewald.

Nay: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Borchardt, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Linssen, Kneiszel, Deslauriers, Tran, Moynihan, Lund, Deneys.

Total Ayes: 3 Total Nays: 23

Motion failed.

Following the failed motion, a motion was made by Supervisor Brusky and seconded by Supervisor Borchardt **“to amend with RESOLUTION AFFIRMING SUPPORT OF BROWN COUNTY CITIZEN’S CONSTITUTIONAL RIGHTS.”** Roll call vote taken.

Roll Call:

Aye: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Borchardt, Dantine, Brusky, Linssen, Tran, Suennen, Schadewald, Lund.

Nay: Nicholson, Erickson, Evans, Vander Leest, Buckley, Landwehr, Ballard, Kaster, Van Dyck, Kneiszel, Deslauriers, Moynihan, Deneys.

Total Ayes: 13 Total Nays: 13

Motion failed.

Supervisor Brusky's full motion to amend is as stated on the following pages.

January 15, 2020

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION AFFIRMING SUPPORT OF
BROWN COUNTY CITIZENS' CONSTITUTIONAL RIGHTS**

WHEREAS, the Brown County Board of Supervisors was elected to represent the citizens of Brown County, and have sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Wisconsin; and

WHEREAS, Wisconsin State Senators and State Representatives have also sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Wisconsin; and

WHEREAS, the Brown County Code of Ordinances states, in its Code of Ethics Section 1.11(2), as follows: *"(2) Responsibility of Public Office. Public officials and employees hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State; to observe the highest standards of law in the exercise of the powers and duties of their office; to impartially carry out the laws of the nation, state and County; to discharge faithfully the duties of their office regardless of personal considerations; and to recognize that the public interest must be their prime concern;"* and

WHEREAS, the County Board recognizes its ethical obligation to carry out the laws of the nation, state and county, including any and all enacted Amendments to the State and/or Federal Constitutions, including the constitutional right of the people of Brown County to keep and bear arms as is noted in the Constitution of the State of Wisconsin, Article I, Section 25, which states, *"The people have the right to keep and bear arms for security, defense, hunting, recreation or any*

other lawful purpose.”

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Supervisors hereby affirms its support to recognize and uphold the constitutional rights of all Brown County citizens ~~as guaranteed by the United States and Wisconsin Constitutions.~~

Fiscal Note: This resolution does not require an appropriation from the General Fund. It is a “Sense of the Board” Resolution and does not fiscally obligate the county to take any action.

Respectfully submitted,

EXECUTIVE COMMITTEE

Approved By:

Troy Streckenbach
COUNTY EXECUTIVE

Date Signed: _____

20-012R
Authored by:

Approved by:

BOARD OF SUPERVISORS ROLL CALL # _____

Motion made by Supervisor _____

Seconded by Supervisor _____

SUPERVISORS	DIST.	AYES	NAYS	ABSTAIN	EXCUSED
STIEBER	1				
DE WANE	2				
NICHOLSON	3				
HOYER	4				
GRUSZYNSKI	5				
LEFEBVRE	6				
ERICKSON	7				
BORCHARDT	8				
EVANS	9				
VANDER LEST	10				
BUCKLEY	11				
LANDWEHR	12				
DANTINNE, JR	13				

SUPERVISORS	DIST.	AYES	NAYS	ABSTAIN	EXCUSED
BRUSKY	14				
BALLARD	15				
KASTER	16				
VAN DYCK	17				
LINSSEN	18				
KNEISZEL	19				
DESLAURIERS	20				
TRAN	21				
MOYNTHAN, JR.	22				
SUENNEN	23				
SCHADEWALD	24				
LUND	25				
DENEYS	26				

Following the failed motion, a motion was made by Supervisor Deneys and seconded by Supervisors Deslauriers **“to amend the last whereas paragraph by replacing the word ‘as’ after Second Amendment Sanctuary County, with the words ‘meaning that’.”** Roll call vote taken.

Roll Call:

Aye: Nicholson, Vander Leest, Buckley, Landwehr, Dantine, Kaster, Van Dyck, Linssen, Deslauriers, Moynihan, Schadewald, Lund, Deneys.

Nay: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Erickson, Borchardt, Evans, Brusky, Ballard, Kneiszel, Tran, Suennen.

Total Ayes: 13 Total Nays: 13

Motion failed.

Following the failed motion, a roll call vote was taken on the motion to approve Item #11e as presented.

Roll Call:

Aye: Nicholson, Erickson, Evans, Vander Leest, Buckley, Landwehr, Dantine, Kaster, Van Dyck, Deslauriers, Moynihan, Lund, Deneys.

Nay: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Borchardt, Brusky, Ballard, Linssen, Kneiszel, Tran, Suennen, Schadewald.

Total Ayes: 13 Total Nays: 13

Motion failed.

Item Defeated.

No. 3 -- APPROVAL OF MINUTES OF DECEMBER 18, 2019.

A motion was made by Supervisor Nicholson and seconded by Supervisor Tran **“to adopt minutes.”** Voice vote taken. Motion carried unanimously.

No. 4 -- ANNOUNCEMENTS BY SUPERVISORS.

Supervisor Borchardt stated that January is Human Trafficking Awareness Month. She invited the Board members to attend the Point-In-Time Count at the NEW Community Shelter on January 22nd and January 23rd starting at midnight.

Vice Chair Lund wished Sheriff Todd Delain a happy birthday.

Supervisory Buckley invited the Board to attend the Gamblers Game on February 1st. He stated the Gamblers are hosting family night and proceeds from sales and auctions are going to local police and fire groups.

No. 5 -- PRESENTATION OF COMMUNICATIONS FOR CONSIDERATION

LATE COMMUNICATIONS:

No. 5a -- FROM SUPERVISOR TRAN: REQUEST TO HAVE THE DNR GIVE BROWN COUNTY A REPORT ON THE PFAS CONTAMINATION ISSUE IN BROWN COUNTY.

Referred to Planning, Development, and Transportation Committee.

No. 5b -- FROM SUPERVISOR TRAN: ESTABLISH A MASTER PLAN FOR THE FUTURE OF THE DOWNTOWN JAIL.

Referred to Public Safety Committee.

No. 5c -- FROM SUPERVISOR TRAN: SEND RESOLUTIONS TO THE STATE IN SUPPORT OF ABOLISHING THE STATUTE OF LIMITATIONS ON REPORTING OF SEXUAL ASSAULT.

Referred to Executive Committee.

No. 5d -- FROM SUPERVISOR DENEYS: MOVE TO TAKE \$5,500 DOLLARS FROM THE CONTINGENCY FUND AND TRANSFER TO EMERGENCY MANAGEMENT TO BE USED FOR DEALING WITH EDUCATION AND NOTIFICATION OF BROWN COUNTY CITIZENS OF PENDING SPRING FLOODING.

Referred to Public Safety and Administration Committee.

No. 5e -- FROM SUPERVISOR HOYER: MAKE A RESOLUTION IN SUPPORT OF REMOVING THE PERSONAL EXEMPTION FOR VACCINES TO BE SENT TO MADISON.

Referred to Health Board.

No. 5f -- FROM SUPERVISOR DESLAURIERS: THAT BROWN COUNTY CEASE THEIR USE OF ANY MESSAGING OR SOCIAL MEDIA PLATFORM THAT HAS THE POTENTIAL TO CREATE OFFICIAL RECORDS, UNTIL A CENTRALIZED MECHANISM IS IN PLACE TO CAPTURE THE RECORDS AND SAFEGUARD FROM USER DELETION.

Referred to Executive Committee.

No. 5g -- FROM SUPERVISOR DESLAURIERS: FOR CORPORATION COUNSEL TO CARRY OUT THE REQUEST OF ANY COUNTY BOARD SUPERVISOR FOR WISCONSIN COUNTIES ASSOCIATION LEGAL ADVICE OR LEGAL OPINION ON PENDING OR POTENTIAL COUNTY BUSINESS THE SUPERVISOR IS

WORKING ON. THIS ADVICE BEING A FREE MEMBER BENEFIT OF THE WCA.

Referred to Executive Committee.

No. 5h -- FROM SUPERVISOR NICHOLSON: REVIEW THE ORDINANCE ON PUBLIC COMMENTS WITH POSSIBLE ACTION.

Referred to Executive Committee.

No. 5i -- FROM SUPERVISOR BORCHARDT: TO RECOGNIZE JANUARY AS HUMAN TRAFFICKING MONTH HERE IN BROWN COUNTY.

Referred to Executive Committee.

No. 5j -- FROM SUPERVISOR BORCHARDT: THAT BROWN COUNTY SUPPORT STATE LEGISLATION THAT ADDRESSES PFAS IN WISCONSIN THAT WILL PROPERLY REGULATE, EDUCATE, AND CLEAN UP CONTAMINATION IN NORTHEAST WISCONSIN AND THE STATE.

Referred to Planning, Development, and Transportation Committee.

No. 6 -- APPOINTMENTS BY COUNTY BOARD CHAIR AND BOARD OF SUPERVISORS COMMITTEE AS A WHOLE.

None.

No. 7 -- CONFIRMATION/APPOINTMENTS BY COUNTY EXECUTIVE.

No. 7a -- Reappointment of Tom Collins and Appointments of Christopher Lehner, Todd Delain, Stephanie School, Chad Roethlisberger, Bob Mayer, Adam Butry and Edmond Foral to the Local Emergency Planning Committee.

A motion was made by Supervisor Nicholson and seconded by Supervisor Dantine “to approve the above appointment.” Motion carried unanimously with no abstentions.

No. 8a -- REPORT BY BOARD CHAIRMAN.

None.

No. 8b -- REPORT BY COUNTY EXECUTIVE.

County Executive Streckenbach announced that the pep rally for the Green Bay Packers will take place on Friday, January 17th at Heritage Trail.

County Executive Streckenbach stated that the census is looking for part time help and is willing to pay \$19.00 to \$21.00 per hour. He stated that redistricting is important because the results will provide the information for funding for infrastructure.

County Executive Streckenbach stated that there will likely be high amounts of flooding come spring and the planning and safeguards are under discussion to avoid major issues.

County Executive Streckenbach thanked Supervisors Tran, Brusky, Borchardt, Hoyer and Schadewald as well as Nancy and Mike Schleis for serving meals during the Monday Night Football game at the Veterans Manner.

County Executive Streckenbach thanked Director Chuck Lamine for his years of service at Brown County and congratulated him on his upcoming retirement in March.

County Executive Streckenbach stated that he did not sign the rumble strip resolution from last month's meeting because he felt that it was a "Sense of the Board" and there may be resolutions similar in the future that are unsigned if they do not have any fiscal impact.

A motion was made by Vice Chair Lund and seconded by Supervisor Sieber **"to suspend the rules and take Item #11f after Item #8b."** Voice vote taken. Motion carried unanimously with no abstentions.

**Item #11f was taken at this time*

No. 11f -- ORDINANCE TO CREATE CHAPTER 15 OF THE BROWN COUNTY CODE OF ORDINANCES ENTITLED "REDISTRICTING PROCEDURE".

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Chapter 15 of the Brown County Code of Ordinances is hereby created as follows:

CHAPTER 15
(Revised 01-15-2020)
REDISTRICTING PROCEDURE

15.01 PURPOSE. The purpose of this Chapter is to regulate Redistricting Procedure in Brown County. Brown County citizens believe in the idea of free and fair elections, and that freedom from undue influence through the act known as "gerrymandering" is essential to those ends. The County Board believes the creation of political districts is best handled without undue partisan or personal influence, and that currently elected Supervisors, officials, and/or political parties should be prevented from unduly influencing this process to the greatest extent possible.

15.02 CITIZENS DRAFTING AD HOC COMMITTEE. A Citizens Drafting Ad Hoc Committee shall be created, and shall report to the Citizens Redistricting Advisory Sub-Committee. The County Board Chair shall select and appoint ~~5~~ 7 members of the public to sit on the Citizens Drafting Ad Hoc Committee, subject to confirmation by the County Board. Members of the Citizens Drafting Ad Hoc Committee must not be dues paying members of a political party nor hold elected office at the time of appointment or during their tenure as a member of the Citizens Drafting Ad Hoc Committee.

15.03 MAPPING CRITERIA. The following mapping criteria, as applicable, should be considered by the Committee while drafting new district maps: Equal Population; Contiguity; Compactness; Municipal Boundaries; Natural Boundaries (e.g., the Fox River); ~~the desired number of Supervisors~~ the desire to not increase or decrease the current number of Supervisors by more than two; Communities of Interest, which may include Rural vs. Urban interests; and Racial and Ethnic groups (defined as any racial, ethnic, cultural, or language minority group which is underrepresented in local elected office).

15.04 PROHIBITION IN MAPPING CONSIDERATIONS. The Committee may not give any consideration as to whether any map favors or disfavors any incumbent or potential candidate. Locations of current Supervisor residences should not be taken into consideration when drafting new maps.

15.05 DRAFTING PROCEDURE. Upon the release of the necessary census data, ~~the Committee shall provide drafting criteria/guidelines to~~ the Director of Planning, ~~who~~ shall select two Planning staff members to create a minimum of two maps each, ~~for a total of four maps,~~ within 30 days. ~~Staff selected by the Director of Planning shall not be a member of a political party or have political affiliations.~~ The Director of Planning shall send the ~~four completed~~ maps to the Citizens Drafting Ad Hoc Committee. The Citizens Drafting Ad Hoc Committee shall submit ~~a minimum of two of the four~~ all maps to the County Board Chair, ~~and shall recommend one of them for passage.~~

15.06 VOTING PROCEDURE. Upon receipt of the maps, the County Board Chair shall place the maps as an agenda item for action on or before the next scheduled County Board meeting. ~~The recommended map shall be voted on prior to any other map being voted on.~~ If none of the maps presented pass, then the County Board may draft their own map.

15.07 ELECTED OFFICIALS BEHAVIOR. Elected officials are forbidden from consulting with or discussing with the Citizens Drafting Committee any aspect of redistricting between the time of appointment and the time the Citizens Drafting Committee formally chooses a map to recommend. A non-exhaustive list of prohibited topics of communication includes topics such as specific maps, recommendations, objectives, or goals. It is intended that this moratorium of communication be interpreted as broadly as possible. Elected officials should refrain from such behavior in both private and public discourse. Violation of this moratorium on discussion may result in referral to the Ethics Committee.

Section 2 - This ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted,

EXECUTIVE COMMITTEE

Approved By:

/s/ Troy Streckenbach 01/17/2020
COUNTY EXECUTIVE (Date)

/s/ Sandra L. Juno 01/16/2020
COUNTY CLERK (Date)

/s/ Patrick W. Moynihan, Jr. 01/17/2020
COUNTY BOARD CHAIR (Date)

20-0110

Authored by: Aaron Linssen, County Board Supervisor; and Citizens Redistricting Advisory Sub-Committee. Edited by: Dave Hemery, Corp Counsel, at the direction of the Executive Committee.

Approved by: Corporation Counsel

Fiscal Note: This ordinance does not require an appropriation from the General Fund 2020. Planning in the past has absorbed redistricting costs within their budget.

***Amended at the Brown County Board Meeting on January 15, 2020.**

A motion was made by Supervisor Sieber and seconded by Supervisor Hoyer **“to adopt.”**

A motion was made by Supervisor Sieber and seconded by Supervisor Hoyer to **“Reinstate, ‘and shall recommend one of them for passage,’ at the end of the last sentence in 15.05 Drafting Procedure, AND reinstate second sentence in section 15.06 Voting Procedure which reads ‘The recommended map shall be voted on prior to any other map being voted on,’ AND strike ‘the desire’ in line 4 of 15.03 Mapping Criteria, AND add, ‘and planning staff on,’ after committee in line 3 of section 15.07 Elected Officials Behavior.”**

A motion was made by Supervisor Nicholson and seconded by Supervisor De Wane **“to refer back to Executive Committee.”** Voice vote taken. The nays have it in the opinion of the Chair.

Supervisor Van Dyck requested separation of Item #15.06 on Supervisor Sieber’s motion to amend.

Roll call vote taken on Supervisor Sieber’s motion to amend Items #15.05, #15.03 and #15.07 excluding Item #15.06

Roll Call:

Aye: Sieber, Hoyer, Gruszynski, Lefebvre, Borchardt, Brusky, Ballard, Van Dyck, Linssen, Kneiszel, Tran, Schadewald, Lund.

Nay: De Wane, Nicholson, Erickson, Evans, Vander Leest, Buckley, Landwehr, Dantine, Kaster, Deslauriers, Moynihan, Suennen, Deneys.

Total Ayes: 13 Total Nays: 13

Motion failed.

Roll call vote taken then on Supervisor Sieber’s amendment to #15.06.

Roll Call:

Aye: Sieber, Hoyer, Gruszynski, Lefebvre, Borchardt, Linssen, Kneiszel, Tran.

Nay: De Wane, Nicholson, Erickson, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Deslauriers, Moynihan, Suennen, Schadewald, Lund, Deneys.

Total Ayes: 8 Total Nays: 18

Motion failed.

Following the failed motion, a motion was made by Supervisor Van Dyck and seconded by Supervisor Sieber **“to amend Item #15.02 – change number of members from 5 to 7 and Item #15.05 – Upon the release of the necessary census data, the Director of Planning shall select two planning staff members to create a minimum of two maps each, within 30 days. The Director of Planning shall send the maps to the Citizens Drafting Ad Hoc Committee. The Citizens Drafting Ad Hoc Committee shall submit all maps to the County Board Chair and shall recommend one of them for passage.”** Voice vote taken. The ayes have it according to the Chair.

15.02 CITIZENS DRAFTING AD HOC COMMITTEE. A Citizens Drafting Ad Hoc Committee shall be created, ~~and shall report to the Citizens Redistricting Advisory Subcommittee.~~ The County Board Chair shall select and appoint ~~5~~ **7** members of the public to sit on the Citizens Drafting Ad Hoc Committee, subject to confirmation by the County Board. Members of the Citizens Drafting Ad Hoc Committee must not be dues paying members of a political party nor hold elected office at the time of appointment or during their tenure as a member of the Citizens Drafting Ad Hoc Committee.

15.05 DRAFTING PROCEDURE. Upon the release of the necessary census data, ~~the Committee shall provide drafting criteria/guidelines to~~ the Director of Planning, ~~who~~ shall select two Planning staff members to create a minimum of two maps each, ~~for a total of four maps,~~ within 30 days. ~~Staff selected by the Director of Planning shall not be a member of a political party or have political affiliations.~~ The Director of Planning shall send the ~~four completed~~ maps to the Citizens Drafting Ad Hoc Committee. The Citizens Drafting Ad Hoc Committee shall submit ~~a minimum of two of the four~~ all maps to the County Board Chair, ~~and shall recommend one of them for passage.~~

A motion was made by Supervisor Tran and seconded by Supervisor Ballard **“to amend Item #15.03 by striking the word ‘two’ and replacing with the word ‘three’.”** Voice vote taken. The nays having it according to the Chair.

A motion was made by Supervisor Sieber and seconded by Supervisor Hoyer **“to approve as amended.”** Roll call vote taken.

Roll Call:

Aye: Sieber, Hoyer, Gruszynski, Lefebvre, Borchardt, Brusky, Ballard, Van Dyck, Linssen, Kneiszel, Tran, Moynihan, Suennen, Schadewald, Lund, Deneys.

Nay: De Wane, Nicholson, Erickson, Evans, Vander Leest, Buckley, Landwehr, Dantine, Kaster, Deslauriers.

Total Ayes: 16 Total Nays: 10

Motion carried.

ATTACHMENT TO ORDINANCE #11F
ON THE FOLLOWING PAGE

HUMAN RESOURCES

Brown County

305 E. WALNUT STREET
P.O. BOX 23600
GREEN BAY, WI 54305-3600

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 01-03-2020
REQUEST TO: Executive Committee and County Board
MEETING DATE: 01-06-2020 & 01-15-2020, Respectively
REQUEST FROM: David Hemery
Corporation Counsel
REQUEST TYPE: ☐ New resolution ☐ Revision to resolution
☒ New ordinance ☐ Revision to ordinance

TITLE: AN ORDINANCE TO CREATE CHAPTER 15 OF THE BROWN COUNTY
CODE OF ORDINANCES ENTITLED "REDISTRICTING PROCEDURE"

ISSUE/BACKGROUND INFORMATION:

Ordinance establishing redistricting procedures.

ACTION REQUESTED:

For Consideration.

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. What is the amount of the fiscal impact? \$Fiscal estimate was not provided to the Department of Administration to determine a fiscal note.
2. Is it currently budgeted? ☐ Yes ☐ No ☐ N/A (if \$0 fiscal impact)
 - a. If yes, in which account?
 - b. If no, how will the impact be funded?
 - c. If funding is from an external source, is it one-time ☐ or continuous? ☐
3. Please provide supporting documentation of fiscal impact determination.

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

11f

No. 9 -- OTHER REPORTS. None.

A motion was made by Supervisor Schadewald and seconded by Supervisor Erickson **“to suspend the rules and take Items #10a-#10e together.”**

Supervisor Kaster requested his vote on Item #4i in Item #10c be corrected with him voting aye.

A motion was made by Supervisor Schadewald and seconded by Supervisor Tran **“to approve Items #10a-#10e.”** Voice vote taken. Motion carried unanimously with no abstentions.

No. 10 -- Standing Committee Reports

No. 10a -- REPORT OF ADMINISTRATION COMMITTEE OF JANUARY 2, 2020.

1. Review minutes of:
 - a. None.
2. Child Support - Budget Status Financial Report for November 2019. Receive and place on file.
3. Child Support - Open Positions Report for December 2019. Receive and place on file.
4. Child Support - Director Summary for December 2019. Receive and place on file.
5. Admin & HR - Budget Status Financial Report & Graph for November 2019. Receive and place on file.
6. Admin & HR - Budget Adjustment Log. Receive and place on file.
7. Admin & HR - Director's Reports. Receive and place on file.
8. Technology Services - Budget Status Financial Report for November 2019. Receive and place on file.
9. Technology Services - Discussion with possible action regarding Closed Captioning. To use \$500 from the contingency fund to test having one County Board meeting recorded and closed captioned.
10. Technology Services - Director's Report. Receive and place on file.
11. Treasurer - Budget Status Financial Report for for November 2019. Treasurer's Comments: As of 11-30-2019 the Treasurer's Budget shows a Grand Total Budget Surplus of \$1,831,274.83. Netting out Budget Revenue line item 4907 (Unrealized Gain) leaves a CASH Budget Surplus of \$1,017,037.26 as we approach year end. Receive and place on file.
12. Treasurer - Discussion and possible action on the sale of the following tax deed parcel acquired by Brown County in 2013 by Tax Deed Foreclosure: Parcel #2-252-1 Address: Between 801 & 807 S. Ashland Avenue. To take Treasurer's recommendation to transfer title of Parcel 2-252-1 to property owner at Parcel 2-252 with the buyer paying the \$30 recording fee.
13. Audit of bills. To acknowledge receipt of the bills.

No. 10b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF DECEMBER 16, 2019

1. Communication from Supervisor Lund re: To change the name of the Brown County boat landing in Suamico, WI to La Fave Landing after DNR officer Neil La Fave who was killed in the line of duty by a violator on September 24, 1971 on his 32nd birthday at Sensiba Wildlife Area in Suamico. Neil was a 9 year veteran of the DNR and was survived by his wife Peggy and two young children Nicole and Lonny. This would be an

appropriate honor for this man who gave his life in the service of our community.

Receive and place on file.

2. Library Board of September 19, 2019. *See action at Item 8 below.*
3. Neville Public Museum Governing Board of October 14 and November 11, 2019. *See action at Item 8 below.*
4. Golf Course Budget Status Financial Report for October 2019 – Unaudited. *See action at Item 8 below.*
5. Museum Budget Status Financial Report for October 2019 - Unaudited. *See action at Item 8 below.*
6. Parks Budget Status Financial Report for October 2019 – Unaudited. *See action at Item 8 below.*
7. NEW Zoo Budget Status Financial Report for October 2019 – Unaudited. *See action at Item 8 below.*
8. Audit of Bills. To accept the consent agenda.
9. Presentation - Brown County Fair Association – 2019 Brown County Fair Recap. *No action taken.*
10. Golf Course Superintendent's Report. *No action taken.*
11. NEW Zoo and Adventure Park - Director's Report. *No action taken.*
12. Parks Dept. - Expo Hall Update. *No action taken.*
13. Parks Dept. - Director's Report. *No action taken.*
14. Library Report/Director's Report. *No action taken.*
15. Museum Director's Report. *No action taken.*
16. Park Mgmt. – Discussion Re: Rename of Brown County's Suamico Boat Landing to honor Neil L. La Fave. To direct Corporation Counsel to draft a Resolution changing the name of the Suamico Boat Launch to honor Neil L. La Fave.
17. Park Mgmt. – Discussion and Review Re: Barkhausen's restroom/classroom addition. *No action taken.*
18. Park Mgmt. – Resolution to Approve State Trail Connector Easement. To approve. See Resolutions & Ordinances.
19. Park Mgmt. – Resolution to Approve Electrical Line Easement Regarding the Fox River State Trail. To approve. See Resolutions & Ordinances.
20. Budget Adjustment Request (19-098): Any increase in expenses with an offsetting increase in revenue (Replacement Truck and Firewood Locker). To approve.

No. 10bi -- REPORT OF SPECIAL EDUCATION & RECREATION COMMITTEE OF JANUARY 15, 2020

1. Closed Session: In regard to conducting Public Business regarding Golf Course Operations
 - a. Open Session: Motion and Recorded Vote pursuant to Wis. Stats. Sec. 19.85(1), regarding going into closed session pursuant to Wis. Stats. Sec. 19.85(1)(e), i.e., for deliberating and negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in particular, to conduct public business regarding Golf Course Operations where competitive and bargaining reasons require a Closed Session.
Motion made by Supervisor Suennen, seconded by Supervisor Ballard to enter in to closed session. Roll call vote taken. MOTION CARRIED UNANIMOUSLY
 - b. Convene into Closed Session: Pursuant to Wis. Stats. Sec. 19.85(1)(e), the governing body shall convene into closed session for purposes of deliberating and negotiating the purchasing of public properties, the investing of public funds, or

conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in particular, to conduct public business regarding Golf Course Operations where competitive and bargaining reasons require a Closed Session.

Motion made by Supervisor Suennen, seconded by Supervisor Landwehr to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY.

- c. Reconvene into Open Session: The governmental body shall reconvene into open session for possible voting and/or other action regarding Golf Course Operations. *No action taken.*

No. 10c -- REPORT OF EXECUTIVE COMMITTEE OF JANUARY 6, 2020

1. Review Minutes of:
 - a. Benefits Advisory Committee (September 12 & October 3, 2019). Receive and place on file.
2. Legal Bills - Review and Possible Action on Legal Bills to be paid. To approve.
3. Communication from Supervisor Tran: To have all standing committees use the public comment form for public comments. Refer back to Corporation Counsel.
4. Communication from Supervisor Tran: To have all standing committees meet in the Northern Building for all meetings starting in January (exception can be made for field trips).
 - i. Receive and place on file. Motion Failed
 - ii. To have all standing committees meet in the Northern Building starting 2020 term with exceptions as recommended by standing committees or as required by law.
5. Communication from Supervisor Deslauriers: For referral to the Executive Committee to consider the below (attached) Resolution to declare Brown County a Second Amendment Sanctuary County. See Resolutions & Ordinances. To amend the resolution as follows: #6 "WHEREAS", before the word infringe add the word "potentially", the first "BE IT FURTHER RESOLVED" strike anything after "bear arms"; the following "BE IT FURTHER RESOLVED", strike the entire paragraph.
6. Communication from Supervisor Erickson: Direct Corporation Counsel to look into starting a class action suit regarding vaping and youth vaping. If this moves forward we should look to include additional Wisconsin Counties to become involved. To hold for one month.
7. Internal Auditor - Board of Supervisors Budget Status Report (Unaudited) – November 30, 2019. Receive and place on file.
8. Internal Auditor - 2019 Status Update: December 1 – December 31, 2019. Receive and place on file.
9. Internal Auditor - 2019 Audit Plan (Status Update). Receive and place on file.
10. Corporation Counsel - Oral Report. Receive and place on file.
11. Resolution to Approve Electric Line Easement Regarding the Fox River State Trail. To approve. See Resolutions & Ordinances.
12. Resolution to Approve State Trail Connector Easement. To approve. See Resolutions & Ordinances.
13. 'Sense of the Board' Resolution Supporting Passage of 2019 Senate Bill 460 and 2019 Assembly Bill 513 to Create an Independent Prosecutor Board. To approve. See Resolutions & Ordinances.
14. Ordinance to Create Chapter 15 of the Brown County Code of Ordinances Entitled "Redistricting Procedure".
 - i. To strike from 15.02, "and shall report to the Citizens Redistricting Advisory Sub-Committee; strike from 15.05, "the Committee shall provide drafting

- criteria/guidelines to” and “Staff selected by the Director of Planning shall not be a member of a political party or have political affiliations”.
- ii. To amend 15.03 by changing the word “desired” to “current” and adding “plus or minus two” after “number of Supervisors.”
 - iii. To amend 15.05 further by striking “and shall recommend one of them for passage”; amend 15.06 by striking “The recommended map shall be voted on prior to any other map being voted on. MOTION CARRIED 4 TO 3
 - iv. To approve as amended. MOTION CARRIED 6 TO 1
 - v. To reconsider Supervisor Van Dyck’s vote. See Resolutions & Ordinances.
15. Dept. of Admin & HR - Director of Administration Report. *No action taken.*
 16. Dept. of Admin & HR - Human Resources Report. *No action taken.*
 17. Audit of the bills. Acknowledge receipt of the bills.

No. 10d -- REPORT OF PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE OF DECEMBER 16, 2019

1. Harbor Commission Minutes (September 9, 2019). *See action at Item 8 below.*
2. Solid Waste Board Minutes (September 16, 2019). *See action at Item 8 below.*
3. Airport – Budget Status Financial Report for October 2019 – Unaudited. *See action at Item 8 below.*
4. Planning – Budget Status Financial Report for August, September and October 2019 – Unaudited. *See action at Item 8 below.*
5. Property Listing –Budget Status Financial Report for August, September and October 2019 – Unaudited. *See action at Item 8 below.*
6. Zoning – Budget Status Financial Report for August, September and October 2019 – Unaudited. *See action at Item 8 below.*
7. Register of Deeds - Budget Status Financial Report October 2019 – Unaudited. *See action at Item 8 below.*
8. UW-Extension – Budget Status Financial Report for October 2019 – Unaudited.
 - i. To suspend the rules to take Items 1 – 8 together.
 - ii. To receive and place on file Items 1 – 8.
9. Communication from Supervisor Tran re: Review and possible action on safety standards for retention ponds (storm water ponds) and rodent controls. *No action taken.*
10. Communication from Supervisor Lefebvre re: Request Public Works look into placing 4-way stops instead of rumble strips. If someone blows a stop sign, with a 4-way stop you will likely have one of the drivers stopped. Receive and place on file.
11. Extension - Budget Adjustment Request (19-099): Any increase in expenses with an offsetting increase in revenue. To approve.
12. Extension - Director’s Report. Receive and place on file.
13. Airport - 12+ Hour Shift Report. Receive and place on file.
14. Airport - Open Position Report. Receive and place on file.
15. Airport - Director’s Report.
 - a. Winter Operations Update.
 - b. Air Traffic Update.Receive and place on file.
16. Port & Solid Waste - Resolution Supporting the Establishment of an Intermodal Freight Facility at the Port of Green Bay. To approve Resolution Supporting the Establishment of an Intermodal Freight Facility at the Port of Green Bay. (A proper draft of this Resolution will go before the January PD&T meeting).
17. Port & Solid Waste - Ducks Unlimited Site Specific Agreement Cooperator – Request for Approval. To approve.

18. Port & Solid Waste - Executed FTZ Subzone E Operating Agreement – Update. *No action required.*
19. Port & Solid Waste - Director's Report. Receive and place on file.
20. Public Works - CTH B Speed Study.
 - a. An Ordinance to Amend Schedule A of Section 340.0003 of Chapter 340 of the Brown County Code of Ordinances CTH B – Town of Pittsfield – Village of Pulaski. To amend Schedule A of Section 340.0003 of Chapter 340 of the Brown County Code of Ordinances CTH B – Town of Pittsfield – Village of Pulaski. See Resolutions & Ordinances.
21. Public Works - CTH U Speed Study.
 - a. An Ordinance to Amend Schedule A of Section 340.0003 of Chapter 340 of the Brown County Code of Ordinances CTH U – Town of Pittsfield – Village of Pulaski. To amend Schedule A of Section 340.0003 of Chapter 340 of the Brown County Code of Ordinances, CTH U – Town of Pittsfield – Village of Pulaski. See Resolutions & Ordinances.
22. Public Works - CTH VV Speed Study.
 - a. An Ordinance to Amend Schedule A of Section 340.0003 of Chapter 340 of the Brown County Code of Ordinances CTH VV – Village of Hobart – Village of Howard – Town of Pittsfield. To amend Schedule A of Section 340.0003 of Chapter 340 of the Brown County Code of Ordinances CTH VV – Village of Hobart – Village of Howard – Town of Pittsfield. See Resolutions & Ordinances.
23. Public Works - Resolution Recommending Not to Install, and to Remove, Transverse Rumble Strips Within 500 Feet of Residences. To pass the resolution as written with one amendment: That being Now, Therefore, Be it Resolved, that the County Board recommends the Highway Commissioner bring the installation of transverse rumble strips to the Traffic Safety Commission for written recommendation prior to installation. (This Resolution went before the December 2019 County Board).
24. Public Works - Recommendation and approval for replacement of Courthouse Chiller – Project #2353. *This item was removed from the agenda.*
25. Public Works - Summary of Operations Report. Receive and place on file.
26. Public Works - Director's Report. Receive and place on file.
27. Acknowledging the bills. To acknowledge receipt of the bills.

No. 10di -- REPORT OF LAND CONSERVATION SUBCOMMITTEE COMMITTEE OF DECEMBER 16, 2019

1. Budget Status Financial Report for September and October 2019 – Unaudited. Receive and place on file.
2. Lake Michigan Area Land and Water Conservation Association Board of Directors Annual Planning and Budget Meeting, January 10, 2020. *No action taken.*
3. 2020 WI Land & Water Conference, March 4th – March 6th, 2020 – KI Convention Center. No action taken.
4. Director's Report.
 - a. Overview of Producer Focused Conservation Survey Data. Receive and place on file.

No. 10e -- REPORT OF PUBLIC SAFETY COMMITTEE OF JANUARY 8, 2020

1. Review Minutes of:
 - a. Public Safety Communications Advisory Board (December 17, 2019). Receive and place on file.

2. District Attorney - Budget Adjustment Request (19-100): Any increase in expenses with an offsetting increase in revenue. To approve.
3. District Attorney Report. Receive and place on file.
4. Public Safety Communications - Budget Status Financial Report for November 2019 (Unaudited). Receive and place on file.
5. Public Safety Communications - Budget Adjustment Request (19-101): Any increase in expenses with an offsetting increase in revenue. Receive and place on file.
6. Public Safety Communications - Director's Report. Receive and place on file.
7. Emergency Mgmt. - Budget Status Financial Report for November 2019 (Unaudited). Receive and place on file.
8. Emergency Mgmt. - Director's Report. Receive and place on file.
9. Circuit Courts, Commissioners, Probate - Director's Report. *No report; no action taken.*
10. Clerk of Courts Report. Receive and place on file.
11. Medical Examiner's Report. *No report; no action taken.*
12. Sheriff - Update re: Jail Addition – *Standing Item; no action taken.*
13. Sheriff - Budget Status Financial Report for November 2019 (Unaudited). Receive and place on file.
14. Sheriff - Key Factor Report – Data through November 2019 (Unaudited). Receive and place on file.
15. Sheriff - Budget Adjustment Request (19-104): Any increase in expenses with an offsetting increase in revenue. To approve.
16. Sheriff - Budget Adjustment Request (20-002): Any increase in expenses with an offsetting increase in revenue. To approve.
17. Sheriff - Budget Adjustment Request (20-003): Any increase in expenses with an offsetting increase in revenue. To approve.
18. Sheriff - Budget Adjustment Request (20-004): Any increase in expenses with an offsetting increase in revenue. To approve.
19. Sheriff's Report. Receive and place on file.
20. Communication from Supervisor Brusky re: I request that the Brown County Board of Supervisors send a resolution to Wisconsin state legislators supporting Assembly Bill 513/Senate Bill 460 that would create a Wisconsin Prosecutor Board/Council which would promote funding and legislation that will directly affect court operations, District Attorney funding, criminal justice reform, and matters impacting incarceration issues down to the county level. To approve.
21. Communication from Supervisor Sieber: Discussion with possible action on a policy allowing therapy animals in the 911 Center. To refer communication to Public Safety Communications Director Peltier to investigate further and report back to Public Safety Committee.
22. Audit of bills. To acknowledge receipt of the bills.

No. 11 -- Resolutions, Ordinances:

Budget Adjustments Requiring County Board Approval

No. 11a -- RESOLUTION APPROVING BUDGET ADJUSTMENTS TO VARIOUS DEPARTMENT BUDGETS

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the below listed departments have submitted the following adjustments to their departmental budgets that, per Wisconsin State Statutes, require approval by a 2/3 vote of the full County Board:

19-098 PARKS	This Budget Adjustment is in relation to revenues exceeding expectations within our camping account(s). These revenues will be utilized within the Outlay account to purchase a replacement truck (\$25,000) and the Bay Shore Outlay account to purchase a firewood locker for wood sales (\$9,500). The replacement vehicle will replace a 2007 Ford Ranger (with over 110,000 miles) that was in a single vehicle accident and is totaled. The firewood locker will replace a rental unit the department had on site throughout 2019 and offered firewood sales in the absence of staff.	Fiscal Impact: \$34,500
19-099 UW-EXT	The Brown County FoodWise Program received an additional funding for a grant from United Healthcare for farm stand vouchers.	Fiscal Impact: \$2,000
19-100 DISTRICT ATTORNEY	With the addition of 3 Victim/Witness Specialist positions, we are in need of additional computers and related accessories. The cost will be borne in part by an increase in state grant and aid revenue, as a portion of the costs are reimbursable. The remaining costs can be covered by a transfer from the Expert Witness budget, as we do not anticipate using all of those funds before the end of 2019.	Fiscal Impact: \$1,624
19-101 PSC	This Public Safety budget adjustment is related to the WI Dept of Health Services grant received for dispatch agencies to receive training to provide telephonic CPR to callers.	Fiscal Impact: \$20,000
19-104 SHERIFF	This budget adjustment is to accept a grant from BayCare Clinic called Resch Center Citizen Aid Readiness. The grant provides funds to purchase 16 cabinets each containing 8 first aid kits including SWAT-T tourniquets, pressure dressings, gauze, mylar blankets and other items. Those cabinets will be placed around the Resch Center to provide items in the event of a mass-casualty incident. The need for preparedness supplies was identified during training of law enforcement, fire and EMS personnel for an active shooter situation at the Resch Center in early 2019. There is NO cost to the county – the grant fully funds these aid cabinets and kits.	Fiscal Impact: \$9,998
20-002 SHERIFF	This request is to increase overtime and fringe benefits to reflect participation in the 2019-20 Click It or Ticket/Speed Enforcement Task Force grant from the Wis. DOT BOTS Office. This grant passes through the Green Bay Police Dept. and is shared by other county agencies. Increased expenses for overtime patrols are offset by grant revenue. This is an annual grant program that has been provided to the County in prior years. However, it was not included in the 2020 budget because the amount had not been determined when the budget was created. This adjustment is for only the calendar year 2020 portion - \$20,000 estimated Brown County share.	Fiscal Impact: \$20,000

20-003
SHERIFF

This request is to increase overtime and fringe benefits to reflect participation in the 2019-20 Local Alcohol Enforcement Task Force grant from the Wis. DOT BOTS Office. This grant passes through the Green Bay Police Dept. and is shared by other county agencies. Increased expenses for overtime patrols are offset by grant revenue. This is an annual grant program that has been provided to the County in prior years. However, it was not included in the 2020 budget because the amount had not been determined when the budget was created. This adjustment is for only the calendar year 2020 portion - \$33,000 estimated Brown County share.

Fiscal Impact: \$33,000

20-004
SHERIFF

This request is to increase overtime and fringe benefits to reflect participation in the 2019-20 OWI Enforcement Task Force grant from the Wis. DOT BOTS Office. This grant passes through the Green Bay Police Dept. and is shared by other county agencies. Increased expenses for overtime patrols are offset by grant revenue.

This is an annual grant program that has been provided to the County in prior years. However, it was not included in the 2020 budget because the amount had not been determined when the budget was created. This adjustment is for only the calendar year 2020 portion - \$24,000 estimated Brown County share.

Fiscal Impact: \$24,000

20-007
TECHNOLOGY
SERVICES

Request contingency fund transfer of \$500 to DoTS. The funds will be used to test closed captioning for a single County Board meeting. The video will be recorded in GB Chambers. The video will be uploaded to REV.COM at a cost of \$1 per meeting minute to add Closed Captioning. The video will be downloaded from REV.COM and then uploaded to YouTube for board member and public review. DoTS assist County Clerk and board staff as needed. This investment will allow DoTS to confirm: workflow, technology and staff time required to perform this function and find any additional costs that may be incurred with the County Board meeting Video Closed Captioning process. A report of the results will be shared with the Administrative Committee after the test has been completed and assessed.

Contingency Fund Balance: \$300,000

Fiscal Impact: \$500

and,

WHEREAS, these budget adjustments are necessary to ensure activities are appropriated and accounted for properly.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Board of Supervisors hereby approves the above listed budget adjustments.

Respectfully submitted,
ADMINISTRATION COMMITTEE

EDUCATION & RECREATION
COMMITTEE

PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

PUBLIC SAFETY COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 01/17/2020

20-009R

Authored by Administration

Approved by Corporation Counsel's Office

Fiscal Note: The fiscal impact is as described in the individual budget adjustments listed above.

A motion was made by Supervisor Nicholson and seconded by Supervisor Ballard **“to adopt.”**

Voice vote taken. Motion carried unanimously with no abstentions.

ATTACHMENTS TO RESOLUTION #11A
ON THE FOLLOWING PAGES

19-098

BUDGET ADJUSTMENT REQUEST

Category

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
 - Reallocation to another account strictly for tracking or accounting purposes
 - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)
- ☐ 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☒ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- ☐ 9 Any allocation from the County's General Fund (*requires separate Resolution*)

Approval Level

Dept Head
 Director of Admin
 County Exec
 County Exec
 Admin Committee
 Oversight Comm
 2/3 County Board
 Oversight Comm
 2/3 County Board
 Oversight Comm
 2/3 County Board
 Oversight Comm
 2/3 County Board
 Oversight Comm
 Admin Committee
 2/3 County Board

Justification for Budget Change:

2019 Parks:

This Budget Adjustment is in relation to revenues exceeding expectations within our camping account(s). These revenues will be utilized within the Outlay account to purchase a replacement truck (\$25,000) and the Bay Shore Outlay account to purchase a firewood locker for wood sales (\$9,500). The replacement vehicle will replace a 2007 Ford Ranger (with over 110,000 miles) that was in a single vehicle accident and is totaled. The firewood locker will replace a rental unit the department had on site throughout 2019 and offered firewood sales in the absence of staff.

Fiscal Impact: \$34,500

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.062.093.001.4600.762	Fairgrds.- Camping	\$9,500
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.062.095.001.6110.100	Bay Sh. - Outlay Other	\$9,500
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.062.095.001.4600.762	Bay Sh.- Camping	\$25,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.062.001.6110.100	Outlay Other	\$25,000
<input type="checkbox"/>	<input type="checkbox"/>			

11/26/19

AUTHORIZATIONS

<p><u>[Signature]</u> Signature of Department Head</p> <p>Department: <u>Parks</u></p> <p>Date: <u>11/26/2019</u></p>	<p><u>[Signature]</u> Signature of DOA or Executive</p> <p>Date: <u>12/10/19</u></p>
--	---

Revised 2/3/17

11a

19-099

BUDGET ADJUSTMENT REQUEST

Category

Approval Level

- | | | |
|---------------------------------------|--|---|
| <input type="checkbox"/> 1 | Reallocation from one account to another in the same level of appropriation | Dept Head |
| <input type="checkbox"/> 2 | Reallocation due to a technical correction that could include: <ul style="list-style-type: none"> • Reallocation to another account strictly for tracking or accounting purposes • Allocation of budgeted prior year grant not completed in the prior year | Director of Admin |
| <input type="checkbox"/> 3 | Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation | County Exec |
| <input type="checkbox"/> 4 | Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.) | County Exec |
| <input type="checkbox"/> 5 a) | Reallocation of <u>up to 10%</u> of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts) | Admin Committee |
| <input type="checkbox"/> 5 b) | Reallocation of <u>more than 10%</u> of the funds original appropriated between any of the levels of appropriation. | Oversight Comm
2/3 County Board |
| <input type="checkbox"/> 6 | Reallocation between two or more departments, regardless of amount | Oversight Comm
2/3 County Board |
| <input checked="" type="checkbox"/> 7 | Any increase in expenses with an offsetting increase in revenue | Oversight Comm
2/3 County Board |
| <input type="checkbox"/> 8 | Any allocation from a department's fund balance | Oversight Comm
2/3 County Board |
| <input type="checkbox"/> 9 | Any allocation from the County's General Fund | Oversight Comm
Admin Committee
2/3 County Board |

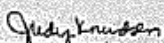

Justification for Budget Change:

The UW Extension Brown County FoodWise Program received additional grant funding from United Healthcare for farm stand vouchers.

Fiscal Impact \$2,000

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.083.001.4309	Other Grants	\$2,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.083.001.5300	Supplies	\$2,000
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

AUTHORIZATIONS

 Signature of Department Head	 Signature of DPA of Executive
Department: UW Extension	Date: 12/5/19
Date: 11/19/2019	

11a

19-100

BUDGET ADJUSTMENT REQUEST

<u>Category</u>	<u>Approval Level</u>
<input type="checkbox"/> 1 Reallocation from one account to another in the same level of appropriation	Dept Head
<input type="checkbox"/> 2 Reallocation due to a technical correction that could include: <ul style="list-style-type: none"> • Reallocation to another account strictly for tracking or accounting purposes • Allocation of budgeted prior year grant not completed in the prior year 	Director of Admin
<input type="checkbox"/> 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation	County Exec
<input type="checkbox"/> 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)	County Exec
<input type="checkbox"/> 5 a) Reallocation of <u>up to 10%</u> of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts).	Admin Comm
<input type="checkbox"/> 5 b) Reallocation of <u>more than 10%</u> of the funds originally appropriated between any of the levels of appropriation.	Oversight Comm 2/3 County Board
<input type="checkbox"/> 6 Reallocation between two or more departments, regardless of amount	Oversight Comm 2/3 County Board
<input checked="" type="checkbox"/> 7 Any increase in expenses with an offsetting increase in revenue	Oversight Comm 2/3 County Board
<input type="checkbox"/> 8 Any allocation from a department's fund balance	Oversight Comm 2/3 County Board
9 Any allocation from the County's General Fund (<i>requires separate Resolution</i>) <i>After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.</i>	Oversight Comm Admin Committee 2/3 County Board

Justification for Budget Change:

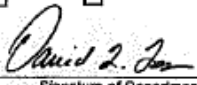

With the addition of 3 Victim/Witness Specialist positions, we are in need of additional computers and related accessories. The cost will be borne in part by an increase in state grant and aid revenue, as a portion of the costs are reimbursable. The remaining costs can be covered by a transfer from the Expert Witness budget, as we do not anticipate using all of those funds before the end of 2019.

Fiscal Impact*: \$ 1,624

**Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.*

<u>Increase</u>	<u>Decrease</u>	<u>Account #</u>	<u>Account Title</u>	<u>Amount</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.024.016.5300.003	Supplies Technology	\$ 4,198
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.024.016.4302	State grant and aid revenue	\$ 1,624
<input type="checkbox"/>	<input checked="" type="checkbox"/>	100.024.001.5782.100	Expert Witness DA	\$ 2,574
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

DWD
12-2-19

<p> _____ Signature of Department Head</p> <p>Department: <u>District Attorney</u> Date: <u>12/2/2019</u></p>	<p>AUTHORIZATIONS</p> <p> _____ Signature of DCA or Executive</p> <p>Date: <u>12/5/19</u></p>
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Revised 10/17/19
Submit Form 11a

19-101

BUDGET ADJUSTMENT REQUEST

Category

Approval Level

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
 - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts).
- ☐ 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☒ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- 9 Any allocation from the County's General Fund (requires separate Resolution)
After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.

Dept Head
Director of Admin

County Exec

County Exec

Admin Comm

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
Admin Committee
2/3 County Board

Justification for Budget Change:



This Public Safety budget adjustment is related to the WI Dept of Health Services grant received for dispatch agencies to receive training to provide telephonic CPR to callers.

Fiscal Impact*: \$ 20,000

*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.013.001.4302	State grant and aid revenue	\$ 20,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.013.001.5340	Travel/Training	\$ 20,000
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

2/3 12/17/19

AUTHORIZATIONS	
 Signature of Department Head	 Signature of BOA or Executive
Department: Public Safety Comm	Date: 12/17/19
Date: 12/5/19	

Revised 10/17/19

Submit Form

11a

BUDGET ADJUSTMENT REQUEST

19-104

Category

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
 - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts).
- ☐ 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☒ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- 9 Any allocation from the County's General Fund (requires separate Resolution)
After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.

Approval Level

Dept Head

Director of Admin

County Exec

County Exec

Admin Comm

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
Admin Committee
2/3 County Board

Justification for Budget Change:

This budget adjustment is to accept a grant from BayCare Clinic called Resch Center Citizen Aid Readiness. The grant provides funds to purchase 16 cabinets each containing 8 first aid kits including SWAT-T tourniquets, pressure dressings, gauze, mylar blankets and other items. Those cabinets will be placed around the Resch Center to provide items in the event of a mass-casualty incident. The need for preparedness supplies was identified during training of law enforcement, fire and EMS personnel for an active shooter situation at the Resch Center in early 2019. There is NO cost to the county - the grant fully funds these aid cabinets and kits.

Fiscal Impact:: \$9,998

*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.001.4904	Grant revenues	9,998
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.001.5800	Grant expenses	9,998
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

AUTHORIZATIONS

1004 Delia
Signature of Department Head

Department: Sherriff

Date: 12-16-19

[Signature]
Signature of DGA or Executive

Date: 12/17/19

Revised 12/3/16

11a

20-002

BUDGET ADJUSTMENT REQUEST

2020

CategoryApproval Level

- ☐ 1 Reallocation from one account to another in the same level of appropriation Dept Head
- ☐ 2 Reallocation due to a technical correction that could include:
• Reallocation to another account strictly for tracking or accounting purposes
• Allocation of budgeted prior year grant not completed in the prior year Director of Admin
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation County Exec
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.) County Exec
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts). Admin Comm
- ☐ 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation. Oversight Comm
2/3 County Board
- ☐ 6 Reallocation between two or more departments, regardless of amount Oversight Comm
2/3 County Board
- ☒ 7 Any increase in expenses with an offsetting increase in revenue Oversight Comm
2/3 County Board
- ☐ 8 Any allocation from a department's fund balance Oversight Comm
2/3 County Board
- 9 Any allocation from the County's General Fund (requires separate Resolution)
After County Board approval of the resolution, a Category 4 budget adjustment must be prepared. Oversight Comm
Admin Committee
2/3 County Board

Justification for Budget Change:

This request is to increase overtime and fringe benefits to reflect participation in the 2019-20 Click It or Ticket/Speed Enforcement Task Force grant from the Wis. DOT BOTS Office. This grant passes through the Green Bay Police Dept. and is shared by other county agencies. Increased expenses for overtime patrols are offset by grant revenue.

This is an annual grant program that has been provided to the County in prior years. However, it was not included in the 2020 budget because the amount had not been determined when the budget was created. This adjustment is for only the calendar year 2020 portion - \$20,000 estimated Brown County share.

Fiscal Impact*: \$20,000

*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.4301	Federal Grants	\$20,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.5103.000	Premium Overtime	\$17,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.5110.100	Fringe benefits - FICA	\$3,000
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

AUTHORIZATIONS

100015 Delain
Signature of Department Head
Department: Sheriff
Date: 12-19-19

Jim Alt
Signature of DOA or Executive
Date: 12/19/19

Revised 12/3/18

11a

20-003

BUDGET ADJUSTMENT REQUEST

2020

Category

Approval Level

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
 - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts).
- ☐ 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☒ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- 9 Any allocation from the County's General Fund (requires separate Resolution)
After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.

Dept Head

Director of Admin

County Exec

County Exec

Admin Comm

Oversight Comm
2/3 County BoardOversight Comm
2/3 County BoardOversight Comm
2/3 County BoardOversight Comm
2/3 County BoardOversight Comm
Admin Committee
2/3 County Board

Justification for Budget Change:

This request is to increase overtime and fringe benefits to reflect participation in the 2019-20 Local Alcohol Enforcement Task Force grant from the Wis. DOT BOTS Office. This grant passes through the Green Bay Police Dept. and is shared by other county agencies. Increased expenses for overtime patrols are offset by grant revenue.

This is an annual grant program that has been provided to the County in prior years. However, it was not included in the 2020 budget because the amount had not been determined when the budget was created. This adjustment is for only the calendar year 2020 portion - \$33,000 estimated Brown County share.

Fiscal Impact*: \$33,000

*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.4301	Federal Grants	\$33,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.5103.000	Premium Overtime	\$28,050
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.5110.100	Fringe benefits - FICA	\$4,950
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

AUTHORIZATIONS

Carole Delano
Signature of Department Head
Department: Sheriff
Date: 12-19-19

[Signature]
Signature of DOA or Executive
Date: 12/19/19

Revised 12/3/18

11a

20-004

BUDGET ADJUSTMENT REQUEST

2020

Category

Approval Level

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
 - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts).
- ☐ 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☒ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- 9 Any allocation from the County's General Fund (requires separate Resolution)
After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.

Dept Head

Director of Admin

County Exec

County Exec

Admin Comm

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
2/3 County Board

Oversight Comm
Admin Committee
2/3 County Board

Justification for Budget Change:

This request is to increase overtime and fringe benefits to reflect participation in the 2019-20 OWI Enforcement Task Force grant from the Wis. DOT BOTS Office. This grant passes through the Green Bay Police Dept. and is shared by other county agencies. Increased expenses for overtime patrols are offset by grant revenue.

This is an annual grant program that has been provided to the County in prior years. However, it was not included in the 2020 budget because the amount had not been determined when the budget was created. This adjustment is for only the calendar year 2020 portion - \$24,000 estimated Brown County share.

Fiscal Impact*: \$24,000

*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.4301	Federal Grants	\$24,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.5103.000	Premium Overtime	\$20,400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.070.5110.100	Fringe benefits - FICA	\$3,600
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

AUTHORIZATIONS

Co. Of Dela.
Signature of Department Head

Department: Sheriff

Date: 12-19-19

Jim Short
Signature of DOA or Executive

Date: 12/19/19

Revised 12/3/18

11a

20-007

BUDGET ADJUSTMENT REQUEST

<u>Category</u>	<u>Approval Level</u>
<input type="checkbox"/> 1 Reallocation from one account to another in the same level of appropriation	Dept Head
<input type="checkbox"/> 2 Reallocation due to a technical correction that could include: <ul style="list-style-type: none"> • Reallocation to another account strictly for tracking or accounting purposes • Allocation of budgeted prior year grant not completed in the prior year 	Director of Admin
<input type="checkbox"/> 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation	County Exec
<input type="checkbox"/> 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)	County Exec
<input type="checkbox"/> 5 a) Reallocation of <u>up to 10%</u> of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts).	Admin Comm
<input type="checkbox"/> 5 b) Reallocation of <u>more than 10%</u> of the funds originally appropriated between any of the levels of appropriation.	Oversight Comm 2/3 County Board
<input checked="" type="checkbox"/> 6 Reallocation between two or more departments, regardless of amount	Oversight Comm 2/3 County Board
<input type="checkbox"/> 7 Any increase in expenses with an offsetting increase in revenue	Oversight Comm 2/3 County Board
<input type="checkbox"/> 8 Any allocation from a department's fund balance	Oversight Comm 2/3 County Board
9 Any allocation from the County's General Fund (<i>requires separate Resolution</i>) <i>After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.</i>	Oversight Comm Admin Committee 2/3 County Board

Justification for Budget Change:

Request contingency fund transfer of \$500 to DoTS. The funds will be used to test closed captioning for a single County Board meeting. The video will be recorded in GB Chambers. The video will be uploaded to REV.COM at a cost of \$1 per meeting minute to add Closed Captioning. The video will be downloaded from REV.COM and then uploaded to YouTube for board member and public review. DoTS assist County Clerk and board staff as needed. This investment will allow DoTS to confirm: workflow, technology and staff time required to perform this function and find any additional costs that may be incurred with the County Board meeting Video Closed Captioning process. A report of the results will be shared with the Administrative Committee after the test has been completed and assessed.

Contingency Fund Balance: \$300,000

Fiscal Impact*:

\$500

*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	710.022.001.9002	Technology Services Transfer In	\$ 500
<input checked="" type="checkbox"/>	<input type="checkbox"/>	710.022.001.5708	Technology Services Prof Services	\$ 500
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.090.9003	General Government Transfer Out	\$ 500
<input type="checkbox"/>	<input checked="" type="checkbox"/>	100.090.5394	General Government Contingency	\$ 500
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

AUTHORIZATIONS

Requested by Supervisor Tran

Approved by Administration Committee

Signature of Department Head

Signature of DOA or Executive

Department: Administration Committee

Date: 1/2/2020

Date: 1/2/2020

Revised 12/17/19

Submit Form

11a

Education & Recreation Committee and Executive Committee

No. 11b -- RESOLUTION TO APPROVE STATE TRAIL CONNECTOR EASEMENT.

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County ("County") is the holder of a Trail Management Easement interest regarding the Fox River State Recreational Trail ("Trail"). Said easement interest affords the Brown County Parks Department ("Trail Manager") the ability to construct, develop, maintain and operate the Trail; and

WHEREAS, in accordance with said Trail Management Easement, as well as other documents relating thereto, the County is required to consent to any additional easements/access permits/agreements granted by the Owner of the Trail, i.e., the Wisconsin Department of Natural Resources ("DNR"), provided that the Trail Manager, who has final authority over issues relating to the management of the Trail corridor, is notified and consulted with in advance; and

WHEREAS, upon due notification to and consultation with the Trail Manager, the DNR desires to enter into a Trail Connector Easement ("Easement"), attached hereto and incorporated herein by reference, with City of De Pere ("Permittee") as the Permittee desires an easement along the east side of the right-of-way which would automatically terminate with two consecutive years of non-use; and

WHEREAS, pursuant to the Easement, City of De Pere as Permittee, is required to submit a construction plan to the Trail Manager, and may not begin work regarding said construction plan unless and until written approval from the Trail Manager is granted and received. The Permittee is also required to obtain all necessary permits, approvals, and licenses prior to starting work, and to comply with all applicable federal, state, and local laws, rules and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Supervisors hereby consents to the attached Easement between the Wisconsin Department of Natural Resources and City of De Pere being entered into, and hereby authorizes and directs the Brown County Executive to execute the Easement, indicating the County's acceptance of and consent to the terms and conditions of the Easement.

Fiscal Note: This resolution does not require an appropriation from the General Fund.

Respectfully submitted,

EDUCATION & RECREATION
COMMITTEE

EXECUTIVE COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 01/17/2020

20-005R

Authored by Parks Department

Final Draft Approved by Corporation Counsel

A motion was made by Supervisor Ballard and seconded by Supervisor Kneiszel **“to adopt.”**
Voice vote taken. Motion carried unanimously with no abstentions.

ATTACHMENTS TO RESOLUTION #11B
ON THE FOLLOWING PAGES

PARKS

Brown County

P.O. BOX 23600
GREEN BAY, WI 54305-3600



Matt Kriese

PHONE: (920) 448-6242 FAX: (920) 448-4054

ASSISTANT PARKS DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 12/2/2019
REQUEST TO: Education and Recreation Committee & Executive Committee
MEETING DATE: 12/16/2019 & 1/6/2020
REQUEST FROM: Matt Kriese
REQUEST TYPE: ☒ New resolution ☐ Revision to resolution
☐ New ordinance ☐ Revision to ordinance

TITLE: RESOLUTION TO APPROVE UNDERGROUND ELECTRIC LINE EASEMENT AGREEMENT

ISSUE/BACKGROUND INFORMATION:

The WI DNR is the owner of the Fox River Trail, and the County holds a Trail Management Easement. This resolution authorizes the County to approve a 12-foot wide recreational connector trail to provide pedestrian access from the Pine Trail Crossing Subdivision to the Fox River State Trail. The City of De Pere will construct, operate and maintain this access path.

ACTION REQUESTED:

Request to Approve this Resolution

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. What is the amount of the fiscal impact? \$0
2. Is it currently budgeted? ☐ Yes ☐ No ☒ N/A (if \$0 fiscal impact)
 - a. If yes, in which account? _____
 - b. If no, how will the impact be funded? _____
 - c. If funding is from an external source, is it one-time ☐ or continuous? ☐
3. Please provide supporting documentation of fiscal impact determination.

x COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

11b

Document Number	Document Title
State of Wisconsin Department of Natural Resources P.O. Box 7921 Madison, WI 53707	STATE TRAIL CONNECTOR EASEMENT Wis. Stats. ss. 23.09(10) and 27.01(2)(g)

Base document - CE 9716
Updated conditions - L&TS 37422

THIS STATE TRAIL CONNECTOR EASEMENT, ("Easement") made by and between the State of Wisconsin Department of Natural Resources ("Grantor") and the City of De Pere ("Grantee").

RECITALS

WHEREAS, Grantor is the owner of the former railroad corridor now known as the Fox River State Trail ("Trail" or the "Premises");

WHEREAS, the Grantee desires to construct, operate, maintain, and repair a 12-foot-wide recreational connector trail to provide pedestrian, and non-motorized access from the Pine Trail Crossing Subdivision on a portion of the Premises ("Easement Area"), described as follows:

Recording Area Return: Department of Natural Resources Bureau of Facilities & Lands - LF/6 P.O. Box 7921 Madison, WI 53707-7921 Attn: William Peterson (CE)
Parent Identification Number (PID): R-41

Township 22 North, Range 20 East, City of De Pere, Brown County, Wisconsin
 Section 3: Part of the Southwest (SW ¼) Quarter of the Northwest (NW¼) Quarter of said Section 3, more particularly described as follows:

A 12-foot-wide easement strip is described as follows:

Commencing

The Easement Area is 44 feet in length, 0.012 acres, and is shown on attached "Exhibit A".

NOW, THEREFORE, the undersigned Grantor does hereby grant to the Grantee, its successors and assigns, for and in consideration of the sum of Five Hundred and no/100ths Dollars (\$500.00), receipt of which is hereby acknowledged by the Grantor, a non-exclusive Easement to construct, operate, maintain, and repair a recreational connector trail ("Connector Trail") under, across, and through the above-described Easement Area.

It is understood by the Grantor and the Grantee that this grant of non-exclusive Easement is subject to the following conditions:

1. The Grantor and the Grantee confirm and agree that the recitals set forth above are true and correct and incorporate the same herein for all purposes.
2. Brown County is the owner and holder of a Trail Management Easement on the Premises for the construction, development, maintenance and operation of the Trail by the Brown County Parks Department (hereinafter referred to as the "Trail Manager"). When notification is required herein regarding the installation, use and maintenance of the Connector Trail, the Trail Manager instead of the

Commented [RMK1]: City of De Pere is drafting legal description based on the Pine Trail Crossing Subdivision plat.

11b

Grantor shall be the point of contact, as the Trail Manager has control and authority over issues relating to the management of the Trail.

3. The Grantor grants and conveys to Grantee a non-exclusive Easement for the installation, construction, operation, inspection, maintenance, repair, removal, and replacement of the Connector Trail within the Easement Area. Any additional improvements other than those described herein, will require the prior written approval of the Grantor, which may require a new easement or an expansion of the Easement Area.
4. This Easement is limited to the Grantee and is not transferrable to a third-party, except after written notification and consent of Grantor provided, however, that Grantee may assign this Easement to its affiliate with notice to Grantor. For purposes of this section, "affiliate" means any entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with Grantee. The Grantee will not have the right to allow additional physical co-location of facilities by unaffiliated third parties without the prior written consent from the Grantor, which may require an amendment to the Easement or a new easement.
4. The Easement shall be non-exclusive, and the Grantor may use the Easement Area and may lease or convey other easements to one or more other person(s), company(ies) or other entity(ies); provided that any such subsequent use, lease or conveyance shall not interfere with the Grantee's rights.
5. The Grantee shall submit a written notification of project commencement to Grantor's Trail Manager at least 5 working days prior to initiation of any tree and brush clearing, installation, construction, maintenance, repair, removal or replacement work on the Easement Area. The Grantor's Trail Manager has final authority over issues relating to the management of the Premises, including but not limited to changes in the Trail surface (e.g. asphalt impervious surfaces).
6. Grantor grants to the Grantee the right to enter upon the Grantor's Premises outside of the Easement Area for the purpose of gaining access to the Easement Area for the purpose of installing, operating, maintaining, repairing, removing, or replacing the Connector Trail and for the performance of any and all other such acts necessary for the proper installation, maintenance, repair, removal and replacement of said Connector Trail.
7. The Grantee may cut, trim and remove any brush, trees, logs, stumps or branches on the Premises which by reason of their proximity may endanger or interfere with the Connector Trail or the operation thereof. Any such undertakings shall be done with the prior written approval and under the supervision of the Trail Manager. Accepted arborist pruning/removal and equipment practices must be adhered to and all waste debris, stumps and slash must be removed and disposed of by the Grantee in a manner acceptable to the Trail Manager off site before project completion. When the removal of a tree is permitted, the stump shall be cut flush with the ground or be removed. All trees having a commercial value, including firewood, shall be cut in standard lengths and piled conveniently by the Grantee, for disposal, by sale or otherwise, by the Trail Manager.
8. All signage placed by the Grantee for purposes of project activities and said Connector Trail shall have prior written approval from the Grantor.
9. The Grantee shall maintain the Premises in a decent, sanitary and safe condition during construction, installation, operation, maintenance, repair, removal and replacement, and at no time shall the Grantee allow its work to cause a hazard or unsafe conditions on the Easement Area.
10. The Grantee is responsible for determining if there are any existing utility lines located within the

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Easement Area. Grantee is responsible for any and all damages, costs or liabilities that result from any damages caused by the Grantee to existing utility lines located within the Easement Area.

12. This Easement does not relieve Grantee from the responsibility to comply with all applicable federal and state laws and local ordinances affecting the design, materials or performance of the permitted activity and does not supersede any other governmental requirements for plan approval or for authority to undertake the permitted activity or exercising any other rights granted herein.
13. The Grantee agrees not to violate any term or condition stated herein. In the event of a violation, the Grantor will give written notice to the Grantee of the violation(s) and the Grantee will have 30 days to cure the violation(s); provided, however, that in the event that the cure of such violation cannot be accomplished within such 30-day period despite diligent and continuing efforts by the Grantee, the time to cure the violation may be extended for a reasonable amount of time to permit the Grantee to complete the cure. In the event the violation(s) has not been cured to the reasonable satisfaction of the Grantor within the time frame allowed, the Grantor, at the Grantor's discretion, shall have the right to declare this Easement terminated, and shall have the right to take full control of the Easement Area, without hindrance or delay, and may use its legal remedies for recovery from the Grantee of all damages caused by the violation of this Easement by the Grantee.
14. The Easement shall automatically terminate, without right of reentry, upon:
 - a. Grantee's express abandonment of the Easement Area; or
 - b. An implied abandonment as evidenced by the non-use by Grantee of the Easement Area for a consecutive period of 2 years.
15. The Grantee assumes and agrees to protect, indemnify and save harmless the Grantor, agents, officers and employees from and against any and all claims, demands, suits, liability and expense by reason of loss or damage to any property or bodily injury including death, arising directly or indirectly from:
 - a. The construction, installation, operation, maintenance, existence, use, repair, removal and replacement of the Connector Trail on the Premises;
 - b. Any defect in the Connector Trail or failure thereof;
 - c. Any act or omission of the Grantee, its agents or employees while on or about the Easement Area or any of Grantor's adjoining lands;
 - d. Grantee's exercise of any and all rights, duties and responsibilities granted by this Easement; and/or
 - e. Any defect of insufficiency of title or authority of the Grantor to convey this Easement.
16. At all times the Grantee shall be required to provide the Grantor adequate evidence of financial responsibility to meet the liabilities, losses, demands and actions from which the Grantee is required to meet. Evidence of adequate financial responsibility shall be either appropriate evidence that the Grantee is self-insured and has sufficient resources to provide coverage equivalent to an insurance policy having combined single limits of not less than \$500,000.00 or, alternatively, evidence of an appropriate insurance policy having combined single limits of not less than \$500,000.00. Upon request, the Grantee shall furnish the Grantor the requisite certificate, or other proof of insurance showing that the Grantor and its officers, employees and agents, are named as additional insureds under the insurance policy. The Grantor may require greater evidence of resources or higher limits of insurance coverage if it determines that greater coverage is reasonably required to cover the risks presented by the underground line. The Grantee shall furnish the Grantor evidence of adequate financial responsibility on or before the effective date of the Easement. If at any time the Grantor determines that the Grantee has not provided adequate evidence of financial responsibility, the Grantee shall immediately suspend any construction, installation, operation, maintenance, repair, removal or replacement on the Easement Area(s) until adequate evidence of financial responsibility is again provided to the Grantor.

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17. All notices or other writings this Easement requires to be given, or which may be given, to either party by the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, prepaid and addressed as follows:
 - a. To the Grantor: Wisconsin Department of Natural Resources, Bureau of Facilities and Lands, WDNR, 101 South Webster Street, Madison, WI 53707. Phone Number (608) 266-2136.
 - b. To the Trail Manager: Brown County Parks Department, PO Box 23600, Green Bay, WI 54305 Phone Number: 920-448-4464.
 - c. To the Grantee: City of De Pere, Public Works Department, 925 S. Sixth Street, De Pere, WI 54115. Phone Number: (920) 339-4060.
 - d. The address to which any notice, demand, or other writing may be given, made or sent to any party as above provided may be changed by written notice given by such party as above provided.
18. The Grantor retains management, supervision and control over the Easement Area for the purpose of enforcing Chapter NR 45, Wis. Adm. Code, which governs the conduct of visitors to state lands and provides for the protection of the natural resources, as well as other pertinent state laws, when needed to protect the Easement Area or the general public.
19. The Grantor does not represent or warrant that title to the Easement Area is free and clear of all encumbrances or that it will defend the Grantee in its peaceful use and occupancy of the Easement Area.
20. In event of a necessary relocation of the Connector Trail, whether initiated by the Grantor, a Railroad with an interest in the Trail, the Grantee, or any other entity, the costs associated with relocating the Connector Trail shall be borne by the Grantee.
21. This Easement shall be binding on the parties hereto and their successors and assigns, as limited by condition 5, above.
22. This Easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
23. This Easement sets forth the entire understanding of the Grantor and the Grantee and may not be changed except by a written document executed and acknowledged by the Grantor and the Grantee.
24. If any term or condition of this Easement shall be deemed invalid or unenforceable, the remainder of this Easement shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
25. Enforcement of this Easement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Easement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Easement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the non-prevailing party to the extent authorized by law.
26. Additional Terms and Conditions specifically pertinent to this Easement will be valid if enumerated below:
 - a. Relating to installation, construction, operation, maintenance, and replacement work within the Easement Area, work shall be completed as follows:
 - i. Other than as otherwise permitted herein, the Trail should remain open for public use at all times. Trail closures will not be allowed during snowmobile season and may not be allowed at certain times during bicycling season depending on planned events, activities, or volume of use. All

11b

- closures must be coordinated with the Trail Manager and a well-marked Trail Manager-approved alternative re-route must be established by Grantee. Any trail closure of more than 1 day may be done only with prior written permission of the Trail Manager.
- ii. If the Trail must be blocked at any time due to safety, a flag person must be present or appropriate signage must be installed such that Trail users are informed of the blockage and an acceptable detour (if needed) must be provided by the Grantee so users can pass through safely. Grantee shall not use the Trail right-of-way for backing of any equipment unless a flag person is present and directing trail traffic.
 - iii. Warning signs, lights, or such other safety markers as necessary shall be placed informing trail users of any construction work or as otherwise directed by the Trail Manager.
 - iv. If needed, as determined by the Trail Manager, Grantee shall place passable barricades at entry points for trail users that require Trail users to substantially reduce their speed and proceed single file. Barricade points must include signs stating that construction activities are taking place along the trail, listing a reduced speed limit, and indicating 2-way, single-file traffic.
 - v. All excavated holes must be adequately marked and properly barricaded at all times by the Grantee and warning signs must be placed and maintained by Grantee a safe distance ahead in both directions. Any excavations on or near the Trail shall be covered nightly and in no case shall construction obstruct or interfere with Trail use over a weekend period.
 - vi. All excavated holes shall be filled in and made level with the original grade by the Grantee prior to project activity completion.
 - vii. Insofar as is practicable and when the Grantor requests other than during the initial construction or due to an emergency situation, the Grantee shall schedule any construction work in an area used for recreational purposes at times when the ground is frozen in order to prevent or reduce soil compaction. All work will be conducted to minimize soil disturbance. All rutting will be repaired, and the Premises restored as promptly as possible by Grantee following its work. If soils are not frozen or stable to a point that avoids rutting, timber mats, mud tracks, or equivalent must be utilized to access installation, construction, maintenance, or replacement locations.
 - viii. Any and all ground settling, or trail surface damage caused by the exercise of the Grantee's rights within a 2-year period from the date of installation or any maintenance is the sole responsibility of the Grantee and must be restored or repaired to pre-construction or better conditions using the same type and quality materials as approved by the Trail Manager. Upon failure to perform by the Grantee within 20 days of notification by the Trail Manager of needed repairs or restoration, repairs or restoration may be contracted by the Trail Manager and the Grantee shall be liable for all costs associated with such repairs and restoration.
 - ix. Grantee shall take extreme care to avoid disturbing other facilities on the Easement Area, including drainage and wetlands, if any. All stormwater and land disturbance regulations and code shall be followed and permitted accordingly. No work may be done that increases drainage onto the Grantor's Premises and adjoining lands without prior approval.
 - x. Grantee shall not park or store any vehicles or equipment on the Trail right-of-way at any time unless authorized in writing by the Trail Manager.
 - xi. No additional connections will be made to the Trail without Grantor's approval.
- b. Conveyance of this Easement may be encumbered by federal or state railroad interest and subject to future restoration and reconstruction of the right-of-way for rail purposes consistent with Section 208 of the National Trails System Act Amendment of 1983, Publ. L. No. 98-11 (16 U.S.C. 1247(d)) or Wis. Stat. s. 85.09, including possible termination of this Easement, and subject to reservations, exceptions and leases, agreements and permits authorized by the former railroad company or the Owner prior to the execution of this Easement. The Grantor shall provide written notice of the necessity for the reestablishment of railroad, which may result in the termination of this Easement upon the discretion of the railroad. The Grantee shall: (1) not materially change the grade or topography of the Easement Area; (2) not construct and install or remove any permanent improvement which violates American Railway

11b

Engineering and Maintenance-of-Way Association ("AREMA"), or its successors' published practices and procedures or would make such reestablishment of railroad impracticable; and (3) not allow the installation of any facility, above or below grade that does not conform to AREMA's standards or clearances for railroads.

- c. If any portion of the Trail is damaged or destroyed by the Grantee, the Grantee shall be solely responsible to repair and restore the damaged area in a timely, workmanlike manner, using the same type and quality materials that meet the Grantor's Trail Design Standards and guidelines and as approved by the Trail Manager. The Grantee agrees to reimburse the Grantor for any property damage to the Grantor's Premises that may arise from the construction, maintenance, or use of the Connector Trail on the Grantor's described lands.
- d. Use of pesticides and herbicides shall only be allowed with the prior written permission of the Grantor which shall not be unreasonably withheld, delayed or denied. Any pesticides or herbicides used as part of a management plan must conform to the Forest Stewardship Council list found at <https://fc.fsc.org/en/our-impact/program-areas/forest-program/pesticides>. Grantee shall report to the Grantor (i.e. property manager and the DNR Pesticide Use Team), at least annually, the chemicals that will and have been applied on the Premises and the Easement Area(s), including the date, product trade name, active ingredient(s) and corresponding CAS number(s), purpose, rate, location with a map, total area treated and total amount of chemicals.

END OF CONDITIONS.

11b

- 7 -

IN WITNESS WHEREOF, the Grantor has caused this Easement to be executed on its behalf this ____ day of _____, 2019.

State of Wisconsin
Department of Natural Resources
For the Secretary

By _____ (SEAL)
Terry H. Bay
Bureau Director - Facilities and Lands

State of Wisconsin)
) ss.
Dane County)

Personally came before me this ____ day of _____, 2019, the above named Terry H. Bay, Bureau Director for Facilities and Lands, State of Wisconsin Department of Natural Resources, to me known to be the person who executed the foregoing instrument and acknowledged that he executed and delivered the same as for the act and deed of said Department of Natural Resources.

Aubrey Johnson
Notary Public, State of Wisconsin
My Commission (expires)(is) _____

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CONSENT TO EASEMENT

IN WITNESS WHEREOF, Brown County, c/o Troy Streckenbach, County Executive, Northern Building, 305 E. Walnut St., Room 120, Green Bay, WI 54301, being the holder of an easement interest which is for the construction, operation and management of the Fox River State Trail by virtue of said Easement between the State of Wisconsin Department of Natural Resources and Brown County as recorded on August 28, 2000 as Document No. 1769733 and as recorded on December 12, 2001 as Document No. 1863067 all in Brown County Records against said Premises, does hereby acknowledge, join in and consent to this underground electric line and natural gas line easement on this _____ day of _____, 2019.

Brown County

By: _____ (SEAL)
Troy Streckenbach
Brown County Executive

State of Wisconsin)

) ss.

Brown County)

Personally appeared before me this _____ day of _____ 2019, the above named Troy Streckenbach, County Executive, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity therein stated and for the purpose therein contained.

Notary Public, State of Wisconsin

My commission (expires) (is) _____

*Please print names

11b

IN WITNESS WHEREOF the Grantee has agreed to and caused this easement to be executed on its behalf this _____ day of _____, 2019.

City of De Pere

By _____ (SEAL)
Scott Thoresen
Public Works Director

State of Wisconsin)
) ss.
Brown County)

Personally appeared before me this _____ day of _____, 2019, the above named Scott Thoresen – Public Works Director, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity therein stated and for the purpose therein contained.

* _____
Notary Public, State of Wisconsin
My commission (expires) (is) _____

* Please print name:

This instrument drafted by:
State of Wisconsin
Department of Natural Resources

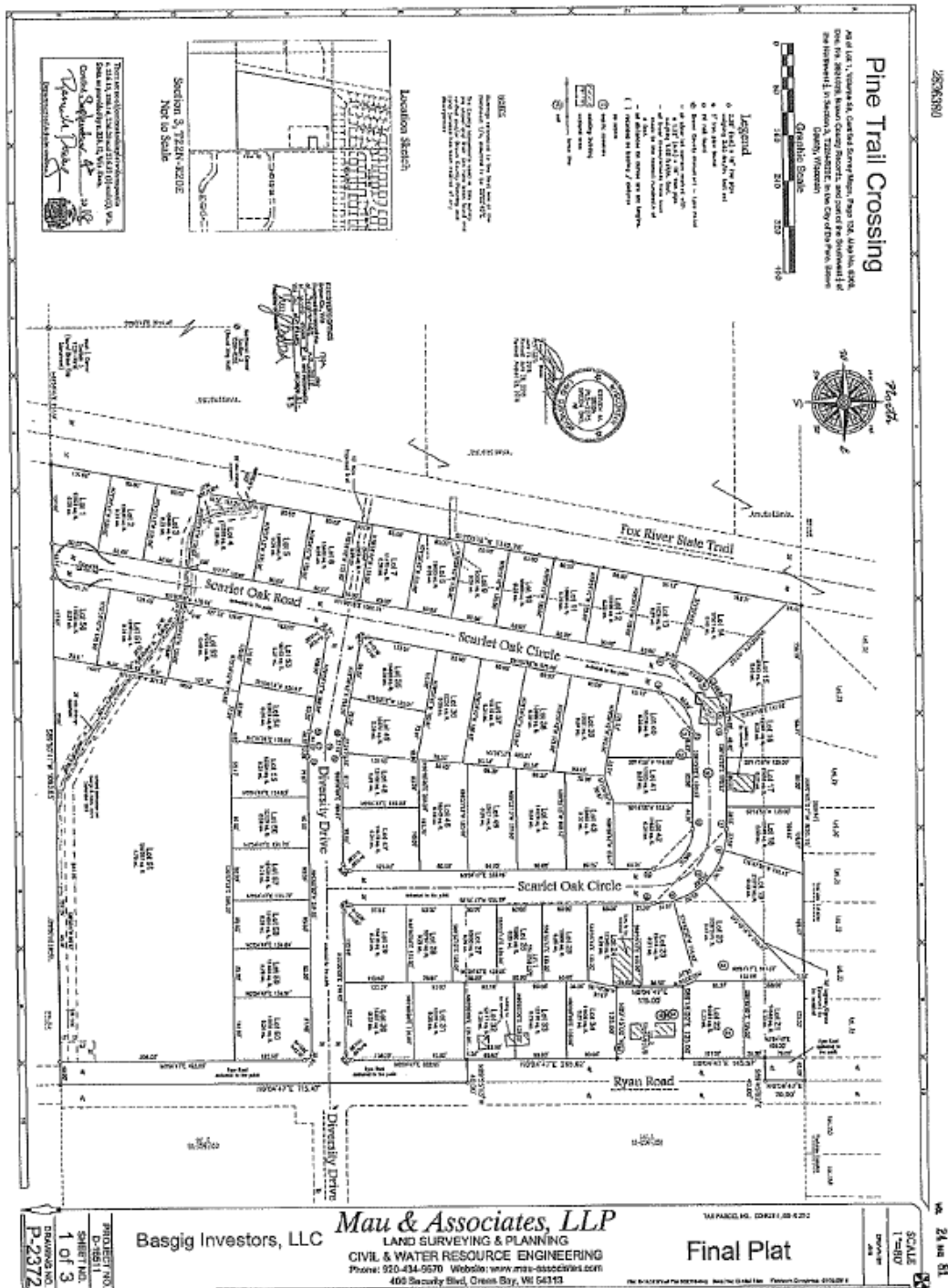
11b

- 10 -

EXHIBIT A

DRAFT

11b



At 1100 L, Volume 26, *Current Biology* Maps, Page 134, Aug 19, 2008, Drs. Drs. SCOTTY Brown, Corey Nevins, and part of the Schwartz lab (as mentioned in Section 2, T200-0026) in the City of the River, Brown County, Wisconsin.



- Legend**
- ① 3-5' (4-6") x 10" (12") precast concrete wall supporting 210' (200') and 240' (220') deep piles
 - ② 7" precast sheet
 - ③ 10' and 12' sheet
 - ④ Sheet piling (precast or cast-in-place)
 - ⑤ Shotcrete (gun-retard)
 - ⑥ 12" (10") x 12" (10") precast concrete wall supporting 210' (200') and 240' (220') deep piles
 - ⑦ 12" (10") x 12" (10") precast concrete wall supporting 210' (200') and 240' (220') deep piles
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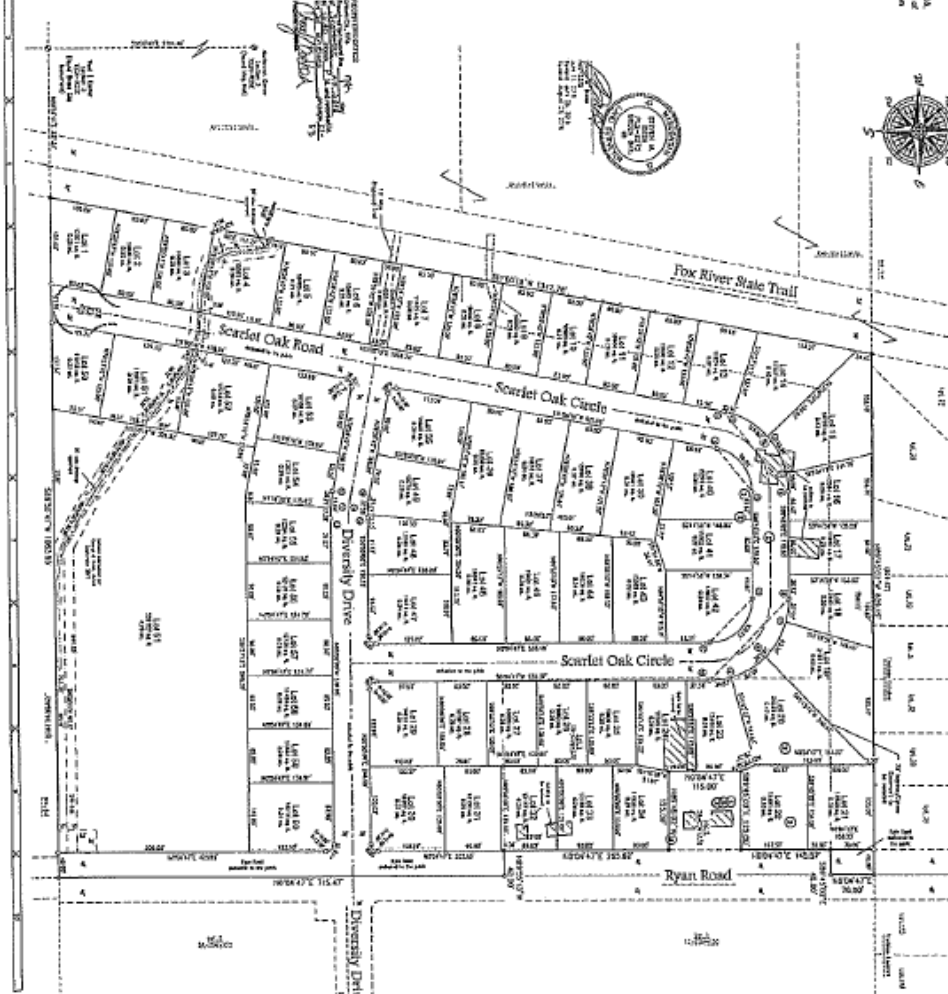
The family Linnaeus used as the basis for division and EICZ has been both published and by British Ecologists and used Linnaeus' two levels (1814) as the species.

Location Sketch



Section 2, T22N-R20E
Not to Scale

Contact: September 18, 2018
Baruch Peled
 Director of Administration



2018年12月15日 星期五

Final Plat

SCALE
1"=800'

24 m. Bl.

11b

Basgig Investors, LLC

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 820-434-8678 Website: www.mau-associates.com
400 Security Blvd, Great Bay, VT 05433

P-237

1 of 3

At 101 Loc 1, Volume 36, Certified Survey Map, Page 734, Map No. 1339, One Mo. 200,000, Green County Records, and part of the Southeast 1/4 of the Northwest 1/4, Section 3, T28N-R30E, in the City of De Pue, Green County, Missouri.

Beagle browser (n) A web browser that is based on the Netscape browser.

[illegible][illegible]

By the Secretary of
América Canales

NAME	DATE	TIME
George Washington	9/1/8	10:00
John Adams	9/1/8	10:00
Thomas Jefferson	9/1/8	10:00
James Madison	9/1/8	10:00
James Monroe	9/1/8	10:00
John Quincy Adams	9/1/8	10:00
Andrew Jackson	9/1/8	10:00
Martin Van Buren	9/1/8	10:00
Millard Fillmore	9/1/8	10:00
Franklin Pierce	9/1/8	10:00
Abraham Lincoln	9/1/8	10:00
Andrew Johnson	9/1/8	10:00
Ulysses S. Grant	9/1/8	10:00
Rutherford B. Hayes	9/1/8	10:00
James A. Garfield	9/1/8	10:00
Chester A. Arthur	9/1/8	10:00
William McKinley	9/1/8	10:00
Mark Twain	9/1/8	10:00
Benjamin Franklin	9/1/8	10:00
Thomas Edison	9/1/8	10:00
Walt Whitman	9/1/8	10:00
Emily Dickinson	9/1/8	10:00
Henry David Thoreau	9/1/8	10:00
Frederick Douglass	9/1/8	10:00
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Lucretia Mott	9/1/8	10:00
Abigail Adams	9/1/8	10:00
Ann		

Forwards are from 100% to 100%. The 100% forward is shown above. The 100% forward is shown below. The 100% forward is shown below.

9-7-2018

Signature: [Signature]

DATE OF RECEIPT
LIBRARY OF CONGRESS

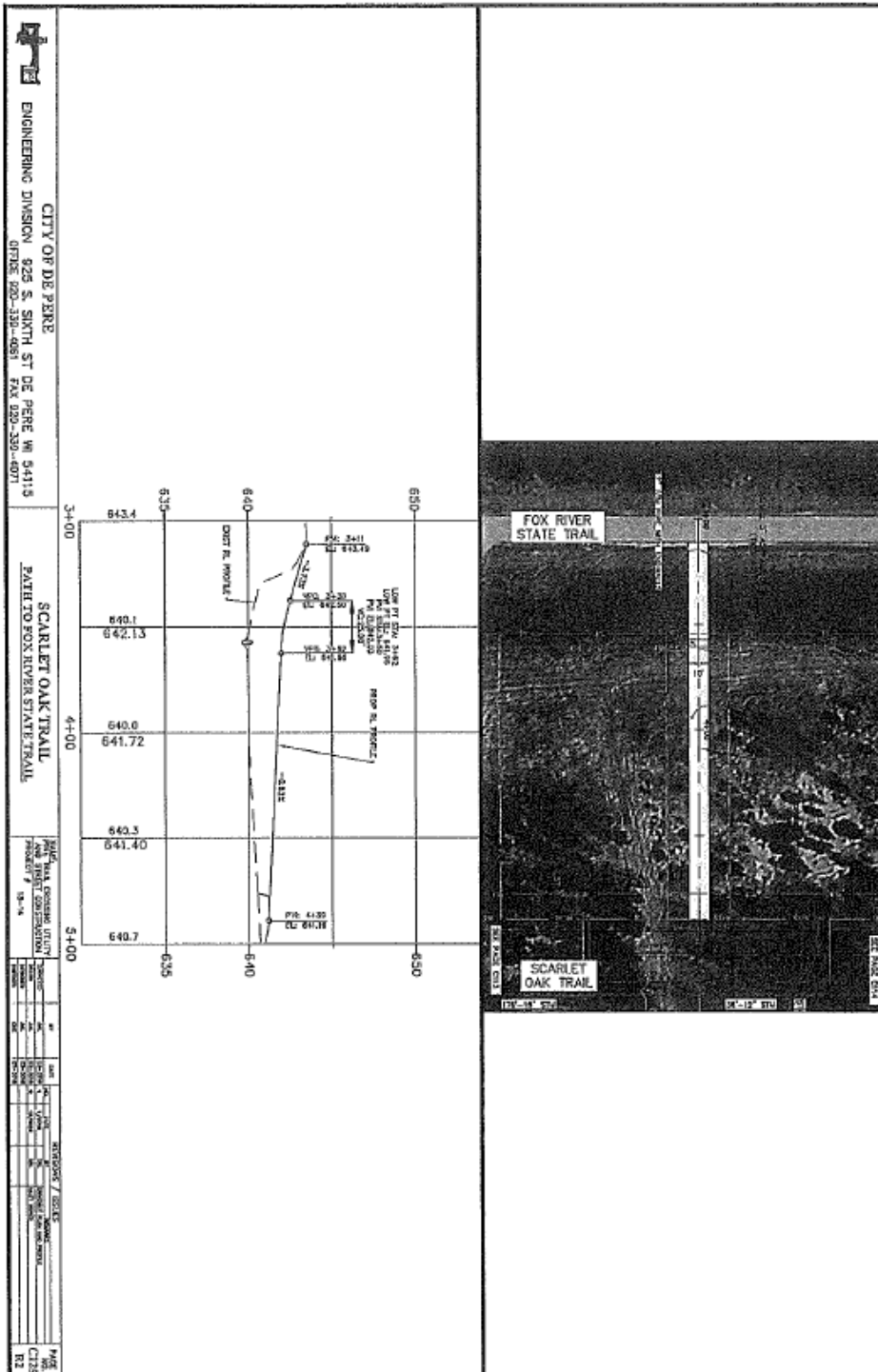
Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 910-424-6870 Website: www.mau-associates.com
2001 Secorville Hill, Suite 100, W. 56113

Final Plat

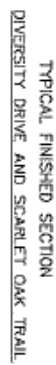
Basgig Investors, LLC

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9870 Website: www.mau-associates.com

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NOTE: ID # APNMA111 CHANGES PUBLISHED CONTINUED ON
2.25" (RUCOR CODE: 3 LT 28-28 5
1.70" (RUCOR CODE) 4 LT 28-28 8



CITY OF DE PERE
ENGINEERING DIVISION 925 S. SIXTH ST DE PERE WI 54115
OFFICE 920-339-4061 FAX 920-339-4071

PINE TRAIL CROSSING TYPICAL SECTION

NAME: _____
 STREET AND STREET
 NUMBER _____
 CITY _____
 STATE _____
 ZIP _____

FEDERAL / STATE		FEDERAL / STATE	
DATE	DATE	DATE	DATE
TIME	TIME	TIME	TIME
LOCATION	LOCATION	LOCATION	LOCATION
OFFICER	OFFICER	OFFICER	OFFICER
REMARKS	REMARKS	REMARKS	REMARKS
SIGNATURE		SIGNATURE	
DATE		DATE	

**No. 11c -- RESOLUTION TO APPROVE ELECTRIC LINE EASEMENT REGARDING THE
FOX RIVER STATE TRAIL.**

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County ("County") is the holder of a Trail Management Easement interest regarding the Fox River State Recreational Trail ("Trail"). Said easement interest affords the Brown County Parks Department ("Trail Manager") the ability to construct, develop, maintain and operate the Trail; and

WHEREAS, in accordance with said Trail Management Easement, as well as other documents relating thereto, the County is required to consent to any additional easements/access permits/agreements granted by the Owner of the Trail, i.e., the Wisconsin Department of Natural Resources ("DNR"), provided that the Trail Manager, who has final authority over issues relating to the management of the Trail corridor, is notified and consulted with in advance; and

WHEREAS, upon due notification to and consultation with the Trail Manager, the DNR desires to enter into a Underground Electric Line and Line Easement ("Easement"), attached hereto and incorporated herein by reference, with Wisconsin Public Service Corporation ("Permittee") as the Permittee desires a permanent easement upon, within and beneath Trail; and

WHEREAS, pursuant to the Easement, Wisconsin Public Service Corporation as Permittee, is required to submit a construction plan to the Trail Manager, and may not begin work regarding said construction plan unless and until written approval from the Trail Manager is granted and received. The Permittee is also required to obtain all necessary permits, approvals, and licenses prior to starting work, and to comply with all applicable federal, state, and local laws, rules and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Supervisors hereby consents to the attached Easement between the Wisconsin Department of Natural Resources and Wisconsin Public Service being entered into, and hereby authorizes and directs the Brown County Executive to execute the Easement, indicating the County's acceptance of and consent to the terms and conditions of the Easement.

Fiscal Note: This resolution does not require an appropriation from the General Fund.

Respectfully submitted,

EDUCATION & RECREATION
COMMITTEE
EXECUTIVE COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 01/17/2020

20-001R
Authored by Parks Department
Final Draft Approved by Corporation Counsel

A motion was made by Supervisor Suennen and seconded by Supervisor Lefebvre **“to adopt.”**
Voice vote taken. Motion carried unanimously with no abstentions.

ATTACHMENTS TO RESOLUTION #11C
ON THE FOLLOWING PAGES

PARKS

Brown County

P.O. BOX 23600
GREEN BAY, WI 54305-3600



Matt Kriese

PHONE: (920) 448-6242 FAX: (920) 448-4054

ASSISTANT PARKS DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 11/13/2019
REQUEST TO: Education and Recreation Committee
Executive Committee
MEETING DATE: 12/16/2019, 1/6/2020
REQUEST FROM: Matt Kriese
REQUEST TYPE: ☒ New resolution ☐ Revision to resolution
☐ New ordinance ☐ Revision to ordinance
TITLE: RESOLUTION TO APPROVE UNDERGROUND ELECTRIC LINE EASEMENT
AGREEMENT

ISSUE/BACKGROUND INFORMATION:

The WI DNR is the owner of the Fox River Trail, and the County holds a Trail Management Easement. This resolution authorizes the County to approve two permanent 12 foot wide easements for Wisconsin Public Service Corporation to install, operate, maintain, repair, remove and replace five electric lines under the trail in the City of De Pere near Heritage Road.

ACTION REQUESTED:

Request to Approve this Resolution

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. What is the amount of the fiscal impact? \$0
2. Is it currently budgeted? ☐ Yes ☐ No ☒ N/A (if \$0 fiscal impact)
 - a. If yes, in which account? _____
 - b. If no, how will the impact be funded? _____
 - c. If funding is from an external source, is it one-time ☐ or continuous? ☐
3. Please provide supporting documentation of fiscal impact determination.

X COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

1/c

Document Number	Document Title
-----------------	----------------

State of Wisconsin
Department of Natural Resources
Box 7921
Madison, WI 53707

UNDERGROUND ELECTRICAL LINE EASEMENT

Wis. Stat. s. 23.09(10) and 27.01(2)(g)
Form 2200-15

THIS UNDERGROUND ELECTRIC LINE AND NATURAL GAS LINE EASEMENT (hereinafter referred to as the "Easement") made by and between the State of Wisconsin Department of Natural Resources (hereinafter referred to as the "Grantor") and Wisconsin Public Service Corporation, a Wisconsin corporation (hereinafter referred to as the "Grantee").

Base document - SMRP 9808
Updates provide from CE 9811

RECITALS

WHEREAS, the Grantor is the owner of the former Wisconsin Central, Ltd., railroad corridor known today as the "Fox River State Trail" (hereinafter referred to interchangeably as either the "Trail" or the "Premises");

Recording Area
Return: Department of Natural Resources
Bureau of Facilities & Lands - LF/6
P.O. Box 7921
Madison, WI 53707-7921
Attn: Closing Officer (CE-)

Parcel Identification Number (PIN):

ED-F0086

WHEREAS, the Grantee desires to install, operate, maintain, repair, remove, and replace five (5) underground electrical lines providing 24.9kVA, of which four (4) lines are #1 AL jacketed 14kV primary wires within a 2-inch and 3-inch HDPE conduit and one (1) 750 AL line within a 4-inch HDPE conduit on a portion of the Premises (hereinafter referred to as the "Easement Area"), described as follows:

Township 23 North, Range 20 East, City of De Pere, Brown County, Wisconsin

Section 34: Part of the Northwest (NW ¼) Quarter of the Northwest (NW ¼) Quarter and Northeast (NE ¼) Quarter of the Northwest (NW ¼) Quarter of said Section 34, more particularly described as follows:

A 12-foot-wide utility corridor, the centerline of Easement A of which is described as follows:

Commencing at the North ¼ Corner of Section 34, Township 23 North, Range 20 East; City of De Pere, Brown County, Wisconsin; Thence S00°55'36"W along the East line of the Northwest ¼, said Section 34, a distance of 791.29 feet to the Northerly right of way line of Heritage Road, a.k.a. CTH X; Thence N89°32'39"W, along said Northerly right of way line, 1313.64 feet to the Easterly right of way line of the Trail; Thence N11°04'24"E, along said Easterly right of way line, 6.10 feet to the POINT OF BEGINNING; Thence N89°32'39"W, 100.72 feet to the Westerly right of way line of the Trail and the POINT OF TERMINATION; AND

A 12-foot-wide utility corridor, the centerline of Easement B of which is described as follows:

Commencing at the North ¼ Corner of Section 34, Township 23 North, Range 20 East; City of De Pere, Brown County, Wisconsin; Thence S00°55'36"W along the East line of the Northwest ¼, said Section 34, a distance of 791.29 feet to the Northerly right of way line of Heritage Road, a.k.a. CTH X; Thence N89°32'39"W, along said Northerly right of way line, 1313.64 feet to the Easterly right of way line of the Trail; Thence S11°04'24"W, along said Easterly right of way line, 81.39

11c

feet to the Southerly right of way line of Heritage Road, a.k.a. CTH X; Thence continuing S11°04'24"W, along said Easterly right of way line, 6.10 feet to the POINT OF BEGINNING; Thence N89°32'39"W, 100.72 feet to the Westerly right of way line of the Trail and the POINT OF TERMINATION.

The Easement Area is 201.44 feet in total length, 0.06 acres in size, and is shown on attached Exhibit "A".

NOW, THEREFORE, the undersigned Grantor does hereby grant and convey to the Grantee, and its corporate successors in interest, for and in valuable consideration of the sum of Five Hundred and Four Dollars (\$504.00), receipt and sufficiency of which are hereby acknowledged by the Grantor, this permanent non-exclusive Easement allowing Grantee to install, maintain, inspect, operate, repair, remove, replace, and/or abandon in place, under, across, and through the above-described Easement Area, an underground electrical distribution utility line (hereinafter referred to as the "underground electrical line"), including all necessary conduit, wire, cables, junction boxes, testing terminals, and other appurtenant equipment as deemed necessary by the Grantee for the transmission and distribution of electrical energy (all of the foregoing collectively, the "Facilities").

It is understood by the Grantor and the Grantee that this grant of non-exclusive Easement is subject to the following conditions:

1. The Grantee and the Grantor confirm and agree that the recitals set forth above are true and correct and incorporate the same herein for all purposes.
2. Brown County is the owner and holder of a Trail Management Easement on the Premises for the construction, development, maintenance and operation of the trail by the Brown County Parks Department (hereinafter referred to as the "Trail Manager"). When notification is required herein, the Trail Manager instead of the Grantor shall be the point of contact regarding the installation, use and maintenance of the underground electrical line, as the Trail Manager has control and authority over issues relating to the management of the Trail.
3. The Grantor grants and conveys to Grantee a permanent non-exclusive Easement for the installation, construction, operation, inspection, maintenance, repair, removal, replacement and/or abandonment in place of the Facilities within the Easement Area. Any additional lines, conduits, structures, or replacements other than those described herein, will require the prior written approval of the Grantor, and may require a new easement or an expansion of the Easement Area (provided such expansion is mutually agreeable to the Grantor and the Grantee). The underground electrical line shall be installed by directional boring under the Easement Area at a minimum depth of 10 feet or such sufficient depth that is in accordance with the standards of the National Electric Safety Code.
4. This conveyance is subject to reactivation for rail service; therefore, the Grantee and its successors and assigns are restricted from materially changing the grade or topography of the property for any reason and also prohibited from constructing, installing, or removing anything which violates the published practices and procedures of the American Railway Engineering and Maintenance-of-Way Association (AREMA) (or its successor(s)), from taking any action that would make such reactivation impracticable, and from allowing installation of any facility that does not conform to AREMA-required standards or clearances. The underground utility lines shall be installed by directional boring under the Trail. The Grantee shall insure its installation and use of the easement conforms with the standards, practices, procedures, and clearances established by the National Electric Safety Code, National Fuel Gas Code, and AREMA, as well as the standards set forth by the railroad company with restoration authority over the property.
5. This Easement is limited to the Grantee and is not transferrable to a third-party, except after written

notification and consent of Grantor provided, however, that Grantee may assign this Easement to its affiliate with notice to Grantor. For purposes of this section, "affiliate" means any entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with Grantee. The Grantee will not have the right to allow additional physical co-location of facilities by unaffiliated third parties without the prior written consent from the Grantor, which may require an amendment to the Easement.

6. The Easement shall be non-exclusive, and the Grantor may use the Easement Area(s) and may lease or convey other easements to one or more other person(s), company(ies) or other entity(ies); provided that any such subsequent use, lease or conveyance shall not interfere with the Grantee's rights.
7. Grantee shall submit a written notification of project commencement to Grantor's Trail Manager at least 5 working days prior to initiation of any tree and brush clearing, installation, construction, maintenance, repair, removal or replacement work on the Easement Area. The Grantee shall receive approval from the Grantor's Trail Manager prior to commencing any project. If an emergency arises within the Easement Area(s) requiring immediate action by the Grantee, the Grantee shall immediately notify the Grantor's Trail Manager that an emergency exists and that the Grantee is proceeding to correct the emergency situation.
8. Grantor grants to the Grantee the right to enter upon the Grantor's Premises outside of the Easement Area for the purpose of gaining access to the Easement Area for the purpose of installing, operating, maintaining, repairing, removing, replacing or abandoning the underground electric lines and for the performance of any and all other such acts necessary for the proper installation, operation maintenance, repair, removal and replacement of said underground electric lines.
9. Grantee may cut, trim and remove any of Grantor's brush, trees, logs, stumps or branches which by reason of their proximity may endanger or interfere with the said underground utility lines or the operation thereof. Any such undertakings shall be done with the prior written approval and under the supervision of the Trail Manager. Accepted arborist pruning/removal and equipment practices must be adhered to and all waste debris, stumps and slash must be removed and disposed of by the Grantee in a manner acceptable to the Trail Manager off site before project completion. When the removal of a tree is permitted, the stump shall be cut flush with the ground or be removed. All trees having a commercial value, including firewood, shall be cut in standard lengths and piled conveniently by the Grantee, for disposal, by sale or otherwise, by the Trail Manager.
10. All signage placed by the Grantee for purposes of project activities shall have prior written approval from the Grantor.
11. The Grantee shall maintain the Easement Area in a decent, sanitary, and safe condition during construction, installation, operation, maintenance, repair, removal and replacement, and at no time shall the Grantee allow its work to cause a hazard or unsafe conditions on the Easement Area.
12. The Grantee is responsible for determining if there are any existing utility lines located within the Easement Area. Grantee is responsible for any and all damages, costs or liabilities that result from damages caused by the Grantee to existing utility lines located within the Easement Area.
13. This Easement does not relieve Grantee from the responsibility to comply with all applicable federal and state laws and local ordinances affecting the design, materials or performance of the permitted activity and does not supersede any other governmental requirements for plan approval or for authority to undertake the permitted activity or exercising any other rights granted herein.

14. The Grantee shall restore the Easement Area in a timely workmanlike manner consistent with the condition of the Easement Area prior to such entry by the Grantee or its employees or agents. This restoration requirement, however, does not apply to the initial installation or construction of the Facilities on the Easement Area as it relates to any trees, bushes, branches or roots removed for initial installation or construction, or which subsequently may interfere with the Grantee's use of the Easement Area or create an unsafe condition.
15. Grantee shall take extreme care to avoid disturbing other facilities on the Easement Area, including drainage and wetlands, if any. All water regulations must be permitted and followed accordingly. No work may be done that encourages water to drain onto the Grantor's adjoining land.
16. The Grantee agrees not to violate any term or condition stated herein. In the event of a violation, the Grantor will give written notice to the Grantee of the violation(s) and the Grantee will have 30 days to cure the violation(s); provided, however, that in the event that the cure of such violation cannot be accomplished within such 30-day period despite diligent and continuing efforts by the Grantee, the time to cure the violation may be extended for a reasonable amount of time to permit the Grantee to complete the cure. In the event the violation(s) has not been cured to the reasonable satisfaction of the Grantor within the time frame allowed, the Grantor, at the Grantor's discretion, shall have the right to declare this Easement terminated, and shall have the right to take full control of the Easement Area, without hindrance or delay, and may use its legal remedies for recovery from the Grantee of all damages caused by the violation of this Easement by the Grantee.
17. The Easement shall automatically terminate, without right of reentry, upon:
 - a. Grantee's express abandonment of the Easement Area(s); or
 - b. An implied abandonment as evidenced by the non-use by Grantee of the Easement Area(s) for utility purposes for a consecutive period of 2 years.
18. The Grantor shall not plant any trees within the Easement Area that may interfere with the Grantee's easement. The Grantor agrees that no structures or above ground improvements (not including trails, driveways, roadways or parking lots which are not prohibited), obstructions or impediments of whatever kind or nature will be constructed, placed, granted or allowed within the Easement Area. Except as otherwise allowed herein, the Grantor further agrees that the elevation of the existing ground surface of land within the Easement Area will not be altered by more than 6 inches without the prior written consent of the Grantee.
19. The Grantee assumes and agrees to protect, indemnify and save harmless the Grantor, agents, officers and employees from and against any and all claims, demands, suits, liability and expense by reason of loss or damage to any property or bodily injury including death, arising directly or indirectly from:
 - a. The construction, installation, operation, maintenance, existence, use, repair, removal and replacement of the underground utility lines;
 - b. Any defect in the underground utility lines or failure thereof;
 - c. Any act or omission of the Grantee, its agents or employees while on or about the Easement Area(s) or any of Grantor's adjoining land;
 - d. Grantee's exercise of any and all rights, duties and responsibilities granted by this Easement;
 - e. Any defect of insufficiency of title or authority of the Grantor to convey this Easement;
20. The Grantee may, at its sole discretion, self-insure up to \$5,000,000. A certificate to that effect shall be provided upon request.

21. All notices or other writings this easement requires to be given, or which may be given, to either party by the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, prepaid and addressed as follows:
- To the Grantor: Wisconsin Department of Natural Resources, Bureau of Facilities and Lands, WDNR, 101 South Webster Street, Madison, WI 53707. Phone Number (608) 266-2136.
 - To the Trail Manager: Brown County Park Department, PO Box 23600, Green Bay, WI 54305 Phone Number: 920-448-4464.
 - To the Grantee: Manager of Real Estate Services, Wisconsin Public Service Corp., P.O. Box 19001, Green Bay, WI 54307. Phone Number: (800) 450-7260.
 - The address to which any notice, demand, or other writing may be given, made or sent to any party as above provided may be changed by written notice given by such party as above provided.
22. The Grantor retains management, supervision and control over the Easement Area(s) for the purpose of enforcing Chapter NR 45, Wis. Adm. Code, which governs the conduct of visitors to state lands and provides for the protection of the natural resources, as well as other pertinent state laws, when needed to protect the Easement Area(s) or the general public.
23. The Grantor does not represent or warrant that title to the Easement Area(s) is free and clear of all encumbrances or that it will defend the Grantee in its peaceful use and occupancy of the Easement Area(s).
24. In event of a necessary relocation of the underground utility lines, whether initiated by the Grantor, a Railroad with an interest in the Trail, the Grantee, or any other entity, the costs associated with relocating the utility shall be borne by the Grantee.
25. This Easement shall be binding on the parties hereto and their successors and assigns, as limited by condition 6, above.
26. This Easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
27. This Easement sets forth the entire understanding of the Grantor and the Grantee and may not be changed except by a written document executed and acknowledged by the Grantor and the Grantee.
28. If any term or condition of this Easement shall be deemed invalid or unenforceable, the remainder of this Easement shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
29. Enforcement of this Easement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Easement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Easement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the non-prevailing party to the extent authorized by law.
30. Additional Terms and Conditions specifically pertinent to this Easement will be valid if enumerated below:
- Relating to installation, construction, operation, maintenance, and replacement work within the Easement Area, work shall be completed as follows:
 - Other than as otherwise permitted herein, the Trail should remain open for public use at all times. Trail closures will not be allowed during snowmobile season and may not be allowed at certain times during bicycling season depending on planned events, activities, or volume of use. All

closures must be coordinated with the Trail Manager. Any trail closure of more than 1 day may be done only with prior written permission of the Trail Manager.

- ii. If the Trail must be blocked at any time due to safety, a flag person must be present or appropriate signage must be installed such that trail users are informed of the blockage and an acceptable detour (if needed) must be provided by the Grantee so users can pass through safely. Grantee shall not use the trail right-of-way for backing of any equipment unless a flag person is present and directing trail traffic.
- iii. Warning signs, lights, or such other safety markers as necessary shall be placed informing trail users of any construction work or as otherwise directed by the Trail Manager.
- iv. If needed, as determined by the Trail Manager, Grantee shall place passable barricades at entry points for trail users that require trail users to substantially reduce their speed and proceed single file. Barricade points must include signs stating that construction activities are taking place along the trail, listing a reduced speed limit, and indicating 2-way, single-file traffic.
- v. All excavated open holes must be adequately marked at all times by the Grantee and warning signs must be placed and maintained by Grantee a safe distance ahead in both directions.
- vi. All excavated holes shall be filled in and made level with the original grade by the Grantee prior to project activity completion.
- vii. Insofar as is practicable and when the Grantor requests other than during the initial construction or due to an emergency situation, the Grantee shall schedule any construction work in an area used for recreational purposes at times when the ground is frozen in order to prevent or reduce soil compaction. All work will be conducted to minimize soil disturbance. All rutting will be repaired, and the Premises restored as promptly as possible by Grantee following its work. If soils are not frozen or stable to a point that avoids rutting, timber mats, mud tracks, or equivalent must be utilized to access installation, construction, maintenance, or replacement locations.
- viii. Any and all ground settling, or trail surface damage caused by the exercise of the Grantee's rights within a 2-year period from the date of installation or any maintenance is the sole responsibility of the Grantee and must be restored or repaired to pre-construction or better conditions using the same type and quality materials as approved by the Trail Manager. Upon failure to perform by the Grantee within 20 days of notification by the Trail Manager of needed repairs or restoration, repairs or restoration may be contracted by the Trail Manager and the Grantee shall be liable for all costs associated with such repairs and restoration.
- ix. Grantee shall not park or store any vehicles or equipment on the Trail at any time unless authorized in writing by the Trail Manager.
- b. Conveyance of this Easement may be encumbered by federal or state railroad interest and subject to future restoration and reconstruction of the right-of-way for rail purposes consistent with Section 208 of the National Trails System Act Amendment of 1983, Publ. L. No. 98-11 (16 U.S.C. 1247(d)) or Wis. Stat. s. 85.09, including possible termination of this Easement, and subject to reservations, exceptions and leases, agreements and permits authorized by the former railroad company or the Owner prior to the execution of this Easement. The Grantor shall provide written notice of the necessity for the reestablishment of railroad, which may result in the termination of this Easement upon the discretion of the railroad. The Grantee shall: (1) not materially change the grade or topography of the Easement Area (s); (2) not construct and install or remove any permanent improvement which violates American Railway Engineering and Maintenance-of-Way Association ("AREMA"), or its successors, published practices and procedures or would make such reestablishment of railroad impracticable; and (3) not allow the installation of any facility, above or below grade that does not conform to AREMA's standards or clearances for railroad.
- c. If any portion of the Trail is damaged or destroyed by the Grantee, the Grantee shall be solely responsible to repair and restore the damaged area in a timely, workmanlike manner consistent with the original condition of said crossing at the beginning of this Easement. The Grantee agrees to reimburse the Grantor for any property damage to the Grantor's subject property that may arise from the construction,

maintenance, or use of the crossing on the Grantor's described lands.

- d. Use of pesticides and herbicides shall only be allowed with the prior written permission of the Grantor which shall not be unreasonably withheld, delayed or denied. Any pesticides or herbicides used as part of a management plan must conform to the Forest Stewardship Council list found at <https://ic.fsc.org/en/our-impact/program-areas/forest-program/pesticides>. Grantee shall report to the Grantor (i.e. property manager and the DNR Pesticide Use Team), at least annually, the chemicals that will and have been applied on the Premises and the Easement Area(s), including the date, product trade name, active ingredient(s) and corresponding CAS number(s), purpose, rate, location with a map, total area treated and total amount of chemicals.

END OF CONDITIONS

DRAFT

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on its behalf this _____ day of _____, 2019.

State of Wisconsin
Department of Natural Resources
For the Secretary

By _____ (SEAL)
Terry H. Bay
Bureau Director - Facilities and Lands

State of Wisconsin)
) ss.
Dane County)

Personally came before me this _____ day of _____, 2019, the above named Terry H. Bay, Bureau Director for Facilities and Lands, State of Wisconsin Department of Natural Resources, to me known to be the person who executed the foregoing instrument and acknowledged that he executed and delivered the same as for the act and deed of said Department of Natural Resources.

* Aubrey F. Johnson
Notary Public, State of Wisconsin
My Commission (expires)(is) _____

11c

CONSENT TO EASEMENT

IN WITNESS WHEREOF, Brown County, c/o Troy Streckenbach, County Executive, Northern Building, 305 E. Walnut St., Room 120, Green Bay, WI 54301, being the holder of an easement interest which is for the construction, operation and management of the Fox River State Trail by virtue of said Easement between the State of Wisconsin Department of Natural Resources and Brown County as recorded on August 28, 2000 as Document No. 1769733 and as recorded on December 12, 2001 as Document No. 1863067 all in Brown County Records against said Premises, does hereby acknowledge, join in and consent to this underground electric line and natural gas line easement on this _____ day of _____, 2019.

Brown County

By: _____ (SEAL)
Troy Streckenbach
Brown County Executive

State of Wisconsin)
) ss.
Brown County)

Personally appeared before me this _____ day of _____ 2019, the above named Troy Streckenbach, County Executive, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity therein stated and for the purpose therein contained.

*
Notary Public, State of Wisconsin
My commission (expires) (is) _____

*Please print names

1/c

IN WITNESS WHEREOF the Grantee has agreed to and caused this easement to be executed on its behalf this _____ day of _____, 2019.

Wisconsin Public Service Corporation

By _____ (SEAL)
Kim M. Michiels – Real Estate Agent

State of Wisconsin)
) ss.
Brown County)

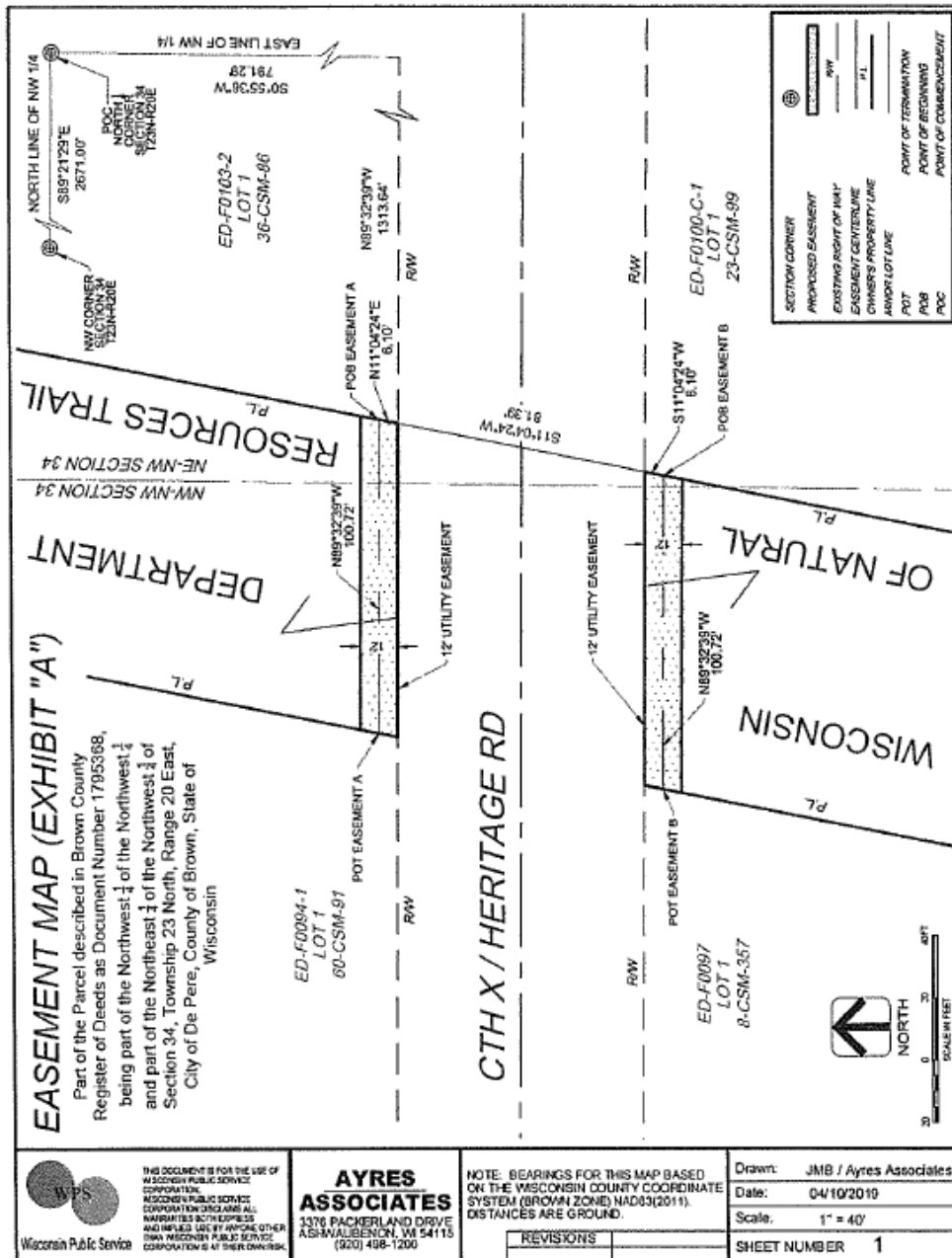
Personally appeared before me this _____ day of _____ 2019, the above named Kim M. Michiels – Real Estate Agent, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity therein stated and for the purpose therein contained.

*
Notary Public, State of Wisconsin
My commission (expires) (is) _____

* Please print name.

This instrument drafted by:
State of Wisconsin
Department of Natural Resources

11c



11C

Executive Committee

**No. 11d -- 'SENSE OF THE BOARD' RESOLUTION SUPPORTING PASSAGE OF 2019
SENATE BILL 460 AND 2019 ASSEMBLY BILL 513 TO CREATE AN
INDEPENDENT PROSECUTOR BOARD.**

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, it is the Sense of the Brown County Board of Supervisors that the following Bills, which create an independent prosecutor board, should be passed and enacted into law: 1) *2019 Senate Bill 460*; and 2) *2019 Assembly Bill 513* (collectively, the Bills); and

WHEREAS, the Bills create an independent prosecutor board that oversees and sets policies for a state prosecutors office, also created in the bills. Under the Bills, the executive director of the state prosecutors office manages the office; prepares personnel policies, fiscal estimates, and an annual report; and represents the board before the governor, the legislature, bar associations, and courts. The executive director may also identify methods and practices for district attorneys that promote professional competence and ethical practices. Under the Bills, the state prosecutors office assumes duties relating to district attorneys that current law assigns to the Department of Administration, such as preparing a budget for all of the prosecutorial units, approving appointments of special prosecutors when needed, and making requests for assistant district attorneys in certain prosecutorial units.

NOW, THEREFORE, BE IT RESOLVED, that the Sense of the Brown County Board of Supervisors is that 2019 Senate Bill 460 and 2019 Assembly Bill 513 should be passed and enacted into law, and the Brown County Clerk shall forward this resolution to Brown County's State Legislative Delegation and Governor for consideration.

Fiscal Note: This 'Sense of the Board' resolution does not require an appropriation from the General Fund. The mailing cost to carry out this resolution is \$5.98, and is within the existing 2020 Budget.

Respectfully submitted,

EXECUTIVE COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 01/20/2020

20-010R

Authored by: Corporation Counsel at Request of Executive Committee

Approved by: Corporation Counsel

A motion was made by Supervisor Brusky and seconded by Vice Chair Lund **"to adopt"**. Voice vote taken. Motion carried with Supervisor Linssen abstaining.

ATTACHMENTS TO RESOLUTION #11D
ON THE FOLLOWING PAGES

HUMAN RESOURCES

Brown County

305 E. WALNUT STREET
P.O. BOX 23600
GREEN BAY, WI 54305-3600

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 01-03-2020
REQUEST TO: Executive Committee and County Board
MEETING DATE: 01-06-2020 & 01-15-2020, Respectively
REQUEST FROM: David Hemery
Corporation Counsel
REQUEST TYPE: ☒ New resolution ☐ Revision to resolution
☐ New ordinance ☐ Revision to ordinance

TITLE: **'SENSE OF THE BOARD' RESOLUTION SUPPORTING PASSAGE OF 2019
SENATE BILL 460 AND 2019 ASSEMBLY BILL 513 TO CREATE AN
INDEPENDENT PROSECUTOR BOARD**

ISSUE/BACKGROUND INFORMATION:

Resolution supporting prompt action/passage of WI Senate and Assembly Bills.

ACTION REQUESTED:

For Consideration.

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. What is the amount of the fiscal impact? \$5.98
2. Is it currently budgeted? ☐ Yes ☐ No ☐ N/A (if \$0 fiscal impact)
 - a. If yes, in which account?
 - b. If no, how will the impact be funded? This 'Sense of the Board' resolution does not require an appropriation from the General Fund. The mailing cost to carry out this resolution is \$5.98, and is within the existing 2020 Budget.
 - c. If funding is from an external source, is it one-time ☐ or continuous? ☐
3. Please provide supporting documentation of fiscal impact determination.

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

11d

Fiscal Estimate Narratives
DA 11/6/2019

LRB Number 19-4367/1	Introduction Number SB-460	Estimate Type Original
Description creation of a prosecutor board and a state prosecutors office and making an appropriation		

Assumptions Used in Arriving at Fiscal Estimate

This bill creates an independent prosecutor board that oversees and sets policies for a state prosecutors office, also created in this bill. Under this bill, the executive director of the state prosecutors office manages the office; prepares personnel policies, fiscal estimates, and an annual report; and represents the board before the governor, the legislature, bar associations, and courts. The executive director may also identify methods and practices for district attorneys that promote professional competence and ethical practices. Under this bill, the state prosecutors office assumes duties relating to district attorneys that current law assigns to the Department of Administration, such as preparing a budget for all of the prosecutorial units, approving appointments of special prosecutors when needed, and making requests for assistant district attorneys in certain prosecutorial units.

Responsive District Attorneys did not anticipate a fiscal effect on their offices resulting from this proposed legislation.

Long-Range Fiscal Implications

Responsive District Attorneys do not anticipate long-range fiscal impacts to their offices resulting from this proposed legislation.

11d

**Item #11e was taken after Item #2.*

**Item #11f was taken after Item #8b.*

Planning, Development & Transportation Committee

**No. 11g -- ORDINANCE TO AMEND SCHEDULE A OF SECTION 340.0003 OF
CHAPTER 340 OF THE BROWN COUNTY CODE OF ORDINANCES CTH B –
TOWN OF PITTSFIELD – VILLAGE OF PULASKI.**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Schedule A of Section 340.0003 of Chapter 340 is hereby amended as follows:

County Trunk Highway “B”, Village of Pulaski and Town of Pittsfield

Thirty-five miles per hour from South St. Augustine Street (Brown
County/Shawano County line) at CTH “B”, to a point 500 East of STH 32
(S. Wisconsin St);

Section 2 - This ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted,

PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

Approved By:

/s/ Troy Streckenbach 01/17/2020
COUNTY EXECUTIVE (Date)

/s/ Sandra L. Juno 01/16/2020
COUNTY CLERK (Date)

/s/ Patrick W. Moynihan, Jr. 01/15/2020
COUNTY BOARD CHAIR (Date)

20-0020

Authored by: Public Works - Highway Division

Approved by: Corporation Counsel

Fiscal Note: This ordinance does not require an appropriation from the General Fund. This work will be funded from the 2020 sign installation budget under Highway Division of Public Works.

A motion was made by Supervisor Erickson and seconded by Supervisor Deneys **“to adopt.”**
Voice vote taken. Motion carried unanimously with no abstentions.

ATTACHMENTS TO ORDINANCE #11G **ON THE FOLLOWING PAGES**

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE
GREEN BAY, WI 54303

PHONE (920) 862-2160 FAX (920) 434-4576
EMAIL: bc_highway@co.brown.wi.us

PAULA A. FONTECCHIO, P.E.
DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 11/21/2019
REQUEST TO: Planning, Development & Transportation Committee
MEETING DATE: 12/16/2019
REQUEST FROM: Paul Fontecchio, Director
REQUEST TYPE: ☐ New resolution ☐ Revision to resolution
☐ New ordinance ☒ Revision to ordinance
TITLE: AN ORDINANCE TO AMEND SCHEDULE A OF SECTION 340.0003 OF CHAPTER 340 OF THE BROWN COUNTY CODE OF ORDINANCES CTH B - TOWN OF PITTSFIELD – VILLAGE OF PULASKI

ISSUE/BACKGROUND INFORMATION:

Ensure the safety of the traveling public of Brown County. See attached Speed Study.

ACTION REQUESTED:

Recommend the PD&T Committee approve the Ordinance, to decrease the speed limit on CTH B to 35 mph between S. St Augustine Street and STH 32 (S. Wisconsin Street) and forward on to the County Board of Supervisors for approval and implementation.

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☒ Yes ☐ No
 - a. If yes, what is the amount of the impact? \$600.00 – PWD Sign Installation
 - b. If part of a bigger project, what is the total amount of the project? \$_____
 - c. Is it currently budgeted? ☒ Yes ☐ No
2. If yes, in which account? 660.044.001.5000.550 (Cost of Sales Special Revenue)
3. If no, how will the impact be funded? _____

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

11g

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE
GREEN BAY, WI 54303

PHONE (920) 492-4925 FAX (920) 434-4576
EMAIL: bc_highway@co.brown.wi.us



PAUL A. FONTECCHIO, P.E.
DIRECTOR

**SPEED STUDY
CTH B FROM S. ST. AUGUSTINE STREET TO
STH 32 (S. WISCONSIN STREET)**

Purpose

The purpose of this study is to determine a reasonable and prudent speed limit on CTH B from S. St Augustine Street and STH 32 (S. Wisconsin Street) by using data driven decisions and sound traffic engineering principles.

The Village of Pulaski has requested a speed study on CTH B between S. St Augustine Street and STH 32 (S. Wisconsin Street).

Background Information

Wisconsin State Statute Section 346.57(4) defines speed limits for all public roadways based on factors that include surrounding land use, roadway jurisdiction, and roadway type. These speed limits, referred to as statutory speed limits, are summarized in Table 1.

While state statute establishes speed limits for roadways, Section 349.11 also gives local government the authority to change the speed limit on the local road system within the constraints identified in Table 1. WisDOT approval is required for proposed changes to speed limits that are outside the constraints identified in Table 1.

According to Brown County Corporation Counsel:

In order to modify a speed limit in Wisconsin, a speed study must be conducted and the results of the speed study must support the proposed modification, or it cannot legally be done (see Wis Stat. Sec. 349.11, entitled "Authority to modify speed restrictions," which requires that speed limit modifications be based on "...an engineering and traffic investigation. . .," more commonly known as a speed study).

In accordance with the Wisconsin Transportation Bulletin No. 21, engineering studies should include the following:

- 85th Percentile Speed
- Reported Accidents
- Development / Driveway Access
- Sight Distances
- Road Geometrics
- Parking and Pedestrian/Bicycle Conflicts
- Pavement Surface
- Enforcement Level

Page 1

11g

Current Roadway

CTH B from S. St Augustine Street to STH 32 (S. Wisconsin Street) is located in the Village of Pulaski and the Town of Pittsfield (see attached location map). This portion of CTH B is 1.04 miles long and is classified as a rural minor collector. The average annual daily traffic (AADT) is 3,800 vehicles.

CTH B is a rural roadway that consists of two-12 foot lanes and 8 foot shoulders (5 feet of which is paved). CTH B was constructed in 2002 and a roundabout was added in 2019 at Pelican Drive.

The pavement on CTH B is asphalt. The pavement was evaluated in 2019 and has the following pavement surface evaluation ratings (PASER):

- 7 Rating: CTH B from S. St Augustine Street to 450 feet west of Pelican Drive.
- 10 Rating: CTH B from 450 feet west of Pelican Drive to 450 feet east of Pelican Drive. This segment was reconstructed in 2019 as part of the roundabout project at Pelican Drive.
- 7 Rating: CTH B from 450 feet east of Pelican Drive to STH 32 (S. Wisconsin Street)

The rating system is based on a scale of 1 to 10 with a 10 rating being excellent condition (newly placed pavement) and a 1 rating being failed condition.

The existing speed limit is 45 mph between S. St. Augustine Street and STH 32 (S. Wisconsin Street). The posted speed limit immediately west of the speed study area is 45 mph and the posted speed limit immediately east of the speed study area is 35 MPH.

85th Percentile Speed

The 85th percentile speed is the speed at or below which 85 percent of the observed traffic travels. The 85th percentile speed has been found to best represent the "reasonable" and "proper" speed perceived by motorists and is a key characteristic of traffic conforming to a "safe" and "reasonable" speed limit. Studies have indicated that the lowest risk of being involved in a crash occurs when motorists travel at approximately the 85th percentile speed. Nationally, the most recognized practice is to post the speed limit as near as practical to the 85th percentile speed.

While 15 percent of the observed motorists travel above the perceived "reasonable" and "proper" speed, this group of motorists cause many of the vehicle crashes along roadways. This is also the group at which enforcement action is most effectively targeted.

Speed data was collected on September 17, 2019, (Tuesday afternoon) to September 19, 2019 (Thursday afternoon) on CTH B approximately 875 feet east of the Pelican Drive roundabout.

The 85th percentile speed for this study segment is 43 mph. The proposed speed limit should be set within 5 mph of the observed 85th percentile speed of free-flowing traffic; however, other roadway attributes may call for a proposed speed limit that is more than 5 mph different from the 85th percentile speed.

The 85th percentile speed on CTH B supports a slight speed limit reduction.

Page 2

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Reported Accidents

Injury and fatality crashes are highest for motorists traveling at speeds much higher or lower than the 85th percentile speed. Variation of speed within the traffic stream creates more conflicts and passing maneuvers, which in turn lead to more crashes. Crashes can also be an indicator that other safety concerns exist.

During the 5 years from 2014 to 2018, there have been 15 crashes on CTH B excluding deer crashes, between S. St. Augustine Street and STH 32 (S. Wisconsin Street):

- 10 rear end collisions and 5 angle collisions
- 9 of these crashes were due to inattentive driving
- 2 of the crashes were weather related

The average crash rate for a Wisconsin rural 2-lane road between 2,000 AADT and 7,000 AADT is 74.26 crashes per HMVMT (hundred million vehicle miles traveled), with an upper limit of 106.35 crashes per HMVMT (limit used to help screen for potential safety issues). The crash rate for CTH B from S. St. Augustine Street to STH 32 (S. Wisconsin Street) is 207.98 crashes per HMVMT, which is above the acceptable upper limit of crashes for this type of roadway.

The Pulaski High School is located on CTH B, so the roadway experiences high traffic volumes at the beginning and the end of the school day. Traffic at the start and release of the school day causes brief traffic backups. Teen drivers were involved in 10 of the 15 crashes while 13 total crashes occurred during the morning or afternoon peak traffic associated with the start and end of the school day.

In addition, 12 of the 15 crashes were at intersections or at the traffic backups from the intersections.

In 2019, a roundabout at Pelican Drive was constructed which alters the roadway geometry of the existing road. The accidents that were evaluated on this stretch of roadway occurred prior to the installation of the roundabout on Pelican Drive, because the official 2019 crash data was not available at the time that this study was completed.

The crash rate on CTH B is above the acceptable upper limit for this type of County Highway with a high concentration of crashes at the intersections. This crash rate warrants a possible reduction in speed, especially through the intersections. Further safety countermeasures could also be considered at the intersections.

Development / Driveway Access

Land use, zoning, and driveway access along a corridor is used to determine a rational speed limit based on statutory speed limits and constraints identified in Table 1. It also can play a significant role in driver expectancy and vehicle speeds along the roadway.

The majority of property along CTH B is zoned agricultural-residential. The north side of CTH B between S. St. Augustine Street and Pelican Drive is a school zone.

There is a church and an assisted living center east of Pelican Drive, and the rest of the properties along CTH B are agricultural-residential.

The high school has direct access to CTH B via Szett Adz Lane and is a significant traffic generator for this roadway. According to the traffic counts conducted, the times with the largest traffic volume are in the morning between 7 am and 8 am and in the afternoon between 3 pm and 5 pm. The high school start/end time is 7:30 am – 2:55 pm.

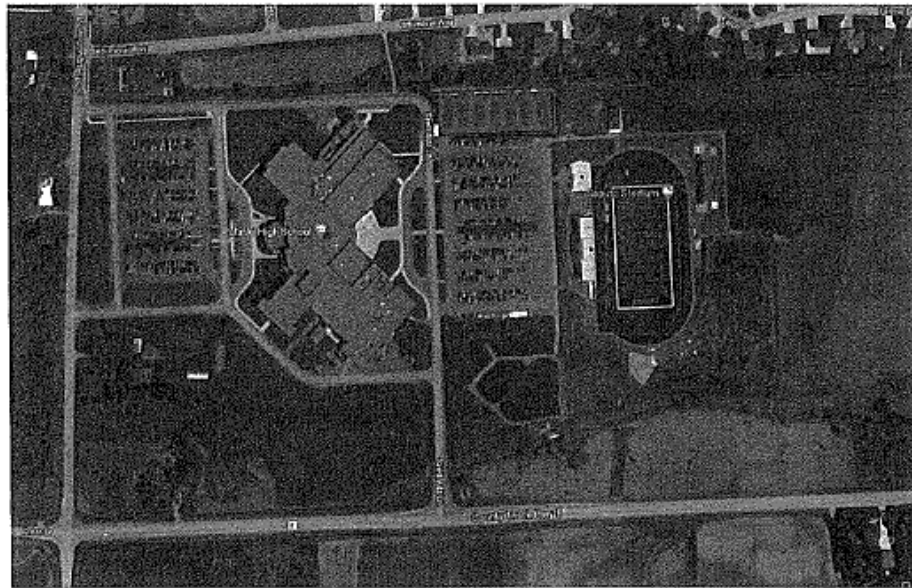


Figure 1: Aerial image of Pulaski High school on CTH B.

CTH B intersects with:

- Szett Adz Lane – located approximately 1,150 feet east of S. St. Augustine Street (this is the main entrance for the High School)
- Pelican Drive – located approximately 2,100 feet east of Szett Adz Lane
- Mountain Bay Drive – located immediately west of STH 32.

In the most dense 1,000-foot stretch (both access and building spacing), the average space between driveways is greater than 300 feet.

Driveway density along CTH B does not warrant a reduction in speed.

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Road Geometrics/Sight Distance

The design speed of a roadway is considered when developing a recommended speed limit. This is the highest safe speed for which the road was designed.

The existing roadway was designed for a 55 mph speed limit with the exception of the Pelican Drive roundabout approaches, which were designed for a 45 mph speed limit.

The roadway is generally straight and there are no significant changes in the horizontal alignment or vertical alignment for this stretch of roadway.

There are no observed sight restrictions at the intersections along this segment of CTH B.

Roadway geometrics on CTH B supports a speed limit of 45 mph.

Parking and Pedestrian/Bicycle Conflicts

On-street parking, pedestrian and bicycle activity play a significant role in driver expectancy and vehicle speeds along a roadway.

This section of roadway does not accommodate on-street parking.

The Pulaski High School is located on the west side of the study limits. Schools are a common destination or generator for pedestrian and bicycle traffic. The 5-foot paved shoulder along this section of roadway accommodates pedestrian/bicycle traffic.

There has been one crash on CTH B in the last 5 years that involved a bicycle; however, speed does not appear to be a factor in that crash.

There are no observed parking or pedestrian/bicycle conflicts along this section of CTH B that would support a lower speed limit.

Enforcement Level

Recommended changes to the speed limit should be consistent, safe, reasonable, and enforceable. When 85% of drivers voluntarily comply with speed limits, it is possible and reasonable to enforce the limits with the 15% who drive too fast.

The Brown County Sheriff's Office enforces the speed limits on the county highway system. Officers regularly patrol CTH B as part of their route.

Recommendation

Brown County Public Works Department recommends reducing the posted speed limit from 45 mph to 35 mph:

- The proposed speed limit of 35 mph matches the speed limit immediately east of STH 32 (S. Wisconsin Street).
- While the 85th percentile speed on CTH B supports a speed limit 45 mph; the crash rate and pedestrian/bicycle conflicts support lowering the speed limit. The school generates a high volume of traffic during peak times. Many of the crashes involve young drivers who may be inexperienced driving on a high speed roadway.
- The new roundabout at Pelican Drive acts as a traffic calming measure. Vehicles are forced to lower their speed as they enter/exit the roundabout.

Table 1
Speed Limits and Authority to Change

Fixed Limits – Statute 346.57(4) ^(a)	Local Government Authority ^(b) – Statute 349.11(3) and (7) ^(c)
65 mph – Freeway / Expressway	WisDOT only.
55 mph – State Trunk Highways (STHs)	WisDOT only.
55 mph – County Trunk Highways (CTHs), town roads	Lower the speed limit by 10 MPH or less.
45 mph – Rustic roads	Lower the speed limit by 15 MPH or less.
35 mph – Town road (1,000' min) with 150' driveway spacing	Lower the speed limit by 10 MPH or less.
25 mph – Inside corporate limits of a city or village (other than outlying district)	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
35 mph – Outlying district ^(c) within city or village limits	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
35 mph – Semi-urban district ^(d) outside corporate limits of a city or village	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
15 mph – School zone, when conditions are met	Raise the speed limit to that of the roadway. Lower the speed limit by 10 MPH or less.
15 mph – School crossing, when conditions are met	Raise the speed limit to that of the adjacent street. Lower the speed limit by 10 MPH or less.
15 mph – Pedestrian safety zone with public transit vehicle stopped	No changes permitted.
15 mph – Alley	Lower by 10 MPH or less.
15 mph – Street or town road adjacent to a public park	Lower by 10 MPH or less.
Construction or maintenance zones, as appropriate ^(e)	State and local agencies have authority to establish.

Notes:

- (a) Source: Updated 2007-2008 Wisconsin Statutes Database
- (b) All speed limit changes shall be based on a traffic engineering study, including modifications allowed under State Statute. Local governments can implement speed limit changes on the local road system without WisDOT approval when proposals are within the constraints identified above.
- (c) Per Statute 346.57(1)(ar) "outlying district" is an area contiguous to any highway within the corporate limits of a city or village where on each side of the highway within any 1,000 feet buildings are spaced on average more than 200 feet apart.
- (d) Per Statute 346.57(1)(b) "semiurban district" is an area contiguous to any highway where on either or both sides of the highway within any 1,000 feet buildings are spaced on average not more than 200 feet apart.
- (e) Guidance on establishing speed limits in work zones is available in http://dotnet/dtd_bho/extranet/manuals/tgm/13/13-05-06.pdf.

Modified from original found in WisDOT Traffic Guidelines Manual, Chapter 13-5-1, Figure 1, June 2009.

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References

Wisconsin Statewide Speed Management Guidelines. Wisconsin Department of Transportation Bureau of Highway Operations, Traffic Engineering Section, June 2009

Wisconsin Transportation Bulletin No. 21, Setting Speed Limits on Local Roads. Wisconsin Transportation Information Center, 1999

Setting Appropriate Speed Limits on Wisconsin's State Highways. Wisconsin Department of Transportation.



11g

No. 11h -- **ORDINANCE TO AMEND SCHEDULE A OF SECTION 340.0003 OF
CHAPTER 340 OF THE BROWN COUNTY CODE OF ORDINANCES CTH U –
TOWN OF PITTSFIELD – VILLAGE OF PULASKI.**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Schedule A of Section 340.0003 of Chapter 340 is hereby amended as follows:

County Trunk Highway “U,” Town of Pittsfield:

~~Thirty-five miles per hour from its intersection with the Town Road common to Sections 28 and 27, Township 25 North, Range 19 East, in the unincorporated place known as Kunesh, easterly for a distance of 0.31 of a mile.~~

Thirty-five miles per hour from its intersection with Kunesh North Road easterly to County Trunk Highway “C”.

Section 2 - This ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted,

PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

Approved By:

/s/ Troy Streckenbach 01/17/2020
COUNTY EXECUTIVE (Date)

/s/ Sandra L. Juno 01/16/2020
COUNTY CLERK (Date)

/s/ Patrick W. Moynihan, Jr. 01/15/2020
COUNTY BOARD CHAIR (Date)

20-0030

Authored by: Public Works - Highway Division

Approved by: Corporation Counsel

Fiscal Note: This ordinance does not require an appropriation from the General Fund. This work will be funded from the 2020 sign installation budget under Highway Division of Public Works.

A motion was made by Supervisor Deneys and seconded by Supervisor Schadewald “**to adopt.**” Voice vote taken. Motion carried unanimously with no abstentions.

ATTACHMENTS TO ORDINANCE #11H
ON THE FOLLOWING PAGES

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE
GREEN BAY, WI 54303

PHONE (920) 862-2160 FAX (920) 434-4576
EMAIL: bc_highway@co.brown.wi.us

PAUL A. FONTECCHIO, P.E.
DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 11/9/2019
REQUEST TO: Planning, Development & Transportation Committee
MEETING DATE: 12/16/2019
REQUEST FROM: Paul Fontecchio, Director
REQUEST TYPE: ☐ New resolution ☐ Revision to resolution
☐ New ordinance ☒ Revision to ordinance

TITLE: AN ORDINANCE TO AMEND SCHEDULE A OF SECTION 340.0003 OF CHAPTER 340
OF THE BROWN COUNTY CODE OF ORDINANCES CTH U - TOWN OF PITTSFIELD

ISSUE/BACKGROUND INFORMATION:

Ensure the safety of the traveling public of Brown County. See attached Speed Study.

ACTION REQUESTED:

Recommend the PD&T Committee approve the Ordinance, to decrease the speed limit on CTH U to 35 mph between 1200 feet west of Brookside Drive to CTH C and forward on to the County Board of Supervisors for approval and implementation.

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☒ Yes ☐ No
 - a. If yes, what is the amount of the impact? \$600.00 – PWD Sign Installation
 - b. If part of a bigger project, what is the total amount of the project? \$_____
 - c. Is it currently budgeted? ☒ Yes ☐ No
2. If yes, in which account? 660.044.001.5000.550 (Cost of Sales Special Revenue)
3. If no, how will the impact be funded? _____

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

11h

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE
GREEN BAY, WI 54303

PHONE (920) 492-4925 FAX (920) 434-4576
EMAIL: bc_highway@co.brown.wi.us



PAUL A. FONTECCHIO, P.E.
DIRECTOR

**SPEED STUDY
CTH U (KUNESH ROAD)
FROM 1,200 FEET WEST OF BROOKSIDE DRIVE TO CTH C**

Purpose

The purpose of this study is to determine a reasonable and prudent speed limit on CTH U (Kunesh Road) from 1,200 feet west of Brookside Drive to CTH C by using data driven decisions and sound traffic engineering principles.

The Town of Pittsfield has requested to lower the existing 55 mph speed limit to 35 mph on CTH U (Kunesh Road) from 1,200 feet west of Brookside Drive to CTH C.

This portion of CTH U (Kunesh Road) will be jurisdictionally transferred to the Town of Pittsfield (Brown County Resolution No. 11i – July 18, 2019, see attached) after the completion of the CTH VV/STH 29 interchange in 2022.

Background Information

Wisconsin State Statute Section 346.57(4) defines speed limits for all public roadways based on factors that include surrounding land use, roadway jurisdiction, and roadway type. These speed limits, referred to as statutory speed limits, are summarized in Table 1.

While state statute establishes speed limits for roadways, Section 349.11 also gives local government the authority to change the speed limit on the local road system within the constraints identified in Table 1. WisDOT approval is required for proposed changes to speed limits that are outside the constraints identified in Table 1.

According to Brown County Corporation Counsel:

In order to modify a speed limit in Wisconsin, a speed study must be conducted and the results of the speed study must support the proposed modification, or it cannot legally be done (see Wis Stat. Sec. 349.11, entitled "Authority to modify speed restrictions," which requires that speed limit modifications be based on "...an engineering and traffic investigation. . .," more commonly known as a speed study).

In accordance with the Wisconsin Transportation Bulletin No. 21, engineering studies should include the following:

- 85th Percentile Speed
- Reported Accidents
- Development / Driveway Access
- Sight Distances
- Road Geometrics

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- Parking and Pedestrian/Bicycle Conflicts
- Pavement Surface
- Enforcement Level

Current Roadway

CTH U from 1,200 feet west of Brookside Drive to CTH C is located in the Town of Pittsfield. This portion of CTH U is 0.72 miles long and classified as a rural major collector. The average annual daily traffic (AADT) is 1,063 vehicles.

The existing roadway has a rural cross section that consists of two-12 foot lanes and 4 foot shoulders (2 feet of which is paved). The pavement on the existing roadway is asphalt, which was last paved in 2004. The pavement was evaluated in 2019 and has a Pavement Surface Evaluation and Rating (PASER) of 6. The rating system is based on a scale of 1 to 10 with a 10 rating being excellent condition (newly placed pavement) and a 1 rating being failed condition.

The existing speed limit on CTH U from 1,200 feet west Brookside Drive to CTH C is posted at 55 mph. The speed limit immediately east and west of the study segment is 35 mph.

85th Percentile Speed

The 85th percentile speed is the speed at or below which 85 percent of the observed traffic travels. The 85th percentile speed has been found to best represent the "reasonable" and "proper" speed perceived by motorists and is a key characteristic of traffic conforming to a "safe" and "reasonable" speed limit. Studies have indicated that the lowest risk of being involved in a crash occurs when motorists travel at approximately the 85th percentile speed. Nationally, the most recognized practice is to post the speed limit as near as practical to the 85th percentile speed.

While 15 percent of the observed motorist travel above the perceived "reasonable" and "proper" speed, this group of motorist's causes many of the vehicle crashes along roadways. This is also the group at which enforcement action is most effectively targeted.

The speed data was collected between September 25, 2019 (Wednesday afternoon) and September 27, 2019 (Friday morning) along CTH U approximately 750 feet west of CTH C.

The 85th percentile speed for this study segment is 48 mph. The proposed speed limit should be set within 5 mph of the observed 85th percentile speed of free-flowing traffic; however, other roadway attributes may call for a proposed speed limit that is more than 5 mph different from the 85th percentile speed.

The 85th percentile speed on CTH U supports a slight speed limit reduction.

Reported Accidents

Injury and fatality crashes are highest for motorists traveling at speeds much higher or lower than the 85th percentile speed. Variation of speed within the traffic stream creates more conflicts and passing maneuvers, which in turn leads to more crashes. Crashes can also be an indicator that other safety concerns exist.

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Since 2013, there has been one reported accident on CTH U. The accident involved a single vehicle accident colliding with a fixed object occurring during heavy snowfall.

The average crash rate for a Wisconsin rural 2-lane road with an AADT of less than 2000 is 105.77 crashes per HMVMT (hundred million vehicle miles travelled), with an upper limit of 192.79 crashes per HMVMT (limit used to help screen for potential safety issues). The Crash rate for CTH U from 1,200 feet west of Brookside Drive to CTH C is 71.59 crashes per HMVMT, which is below the average crash rate for this type of roadway.

The crash rate on CTH U does not warrant a reduction in speed.

Development / Driveway Access

Land use, zoning, and driveway access along a corridor is used to determine a rational speed limit based on statutory speed limits and constraints identified in Table 1. It also can play a significant role in driver expectancy and vehicle speeds along the roadway.

The majority of property along this segment of CTH U is agricultural. Future land use is zoned as secondary residential development area and currently consists of agricultural fields both north and south of CTH U. Immediately east and west of the study zone, the majority of the property is residential.

In the most dense 1,000 foot stretch (both access and building spacing). The average space between driveways is less than 200 feet. This is due to a farm having multiple driveway accesses in a very short span.

The Town of Pittsfield has recently finished the construction of a new Town Hall building within the study segment. The Town hall building was opened to the staff and the public in summer of 2019. The Town Hall was built on the existing community park property. This new addition contributes to higher traffic volumes along CTH U and more frequent slowing/stopping for vehicles that are turning into the Town Hall building and the park.

Driveway density in the most dense 1,000 foot stretch on CTH U warrants a reduction in speed.

Road Geometrics/Sight Distance

The design speed of a roadway is considered when developing a recommended speed limit. This is the highest safe speed for which the road was designed.

The existing roadway horizontal alignment is straight, and the vertical curves are designed for a 55 mph speed limit.

There are no observed sight obstructions at Brookside Drive or at CTH C (Northbound). Both intersections are stop controlled and meet sight distance requirements.

Roadway geometrics on CTH U are adequate for a 55 mph speed limit.

Parking and Pedestrian/Bicycle Conflicts

On-street parking, pedestrian and bicycle activity play a significant role in driver expectancy and vehicle speeds along a roadway.

This section of roadway is not on the current Brown County Bicycle plan, and does not accommodate parking or pedestrian/bicycle traffic.

There are no observed parking or pedestrian/bicycle conflicts along this section of CTH U that would support a lower speed limit.

Enforcement Level

Recommended changes to the speed limit should be consistent, safe, reasonable, and enforceable. When 85% of drivers voluntarily comply with speed limits, it is possible and reasonable to enforce the limits with the 15% who drive too fast.

The Brown County Sheriff's Office enforces the speed limits on the county highway system. Officers regularly patrol CTH U as part of their route.

Recommendation

The Brown County Public Works Department recommends reducing the posted speed limit from 55 mph to 35 mph:

- Eliminating the relatively short 55 mph zone between the existing 35 MPH zones will create a consistent speed limit from Kunesh North Road to CTH C (North).
- The new Town Hall and the park contribute to higher traffic volumes and more frequent slowing/stopping for vehicles that are turning into the Town Hall building and the park.
- The Town of Pittsfield has requested the speed change for this portion of CTH U (Kunesh Road) and the road will be jurisdictionally transferred to the Town of Pittsfield (Brown County Resolution No. 111 – July 18, 2019) after the completion of the CTH VV/STH 29 interchange in 2022.

Table 1
Speed Limits and Authority to Change

Fixed Limits – Statute 346.57(4) ^(a)	Local Government Authority ^(b) – Statute 349.11(3) and (7) ^(c)
65 mph – Freeway / Expressway	WisDOT only.
55 mph – State Trunk Highways (STHs)	WisDOT only.
55 mph – County Trunk Highways (CTHs), town roads	Lower the speed limit by 10 MPH or less.
45 mph – Rustic roads	Lower the speed limit by 15 MPH or less.
35 mph – Town road (1,000' min) with 150' driveway spacing	Lower the speed limit by 10 MPH or less.
25 mph – Inside corporate limits of a city or village (other than outlying district)	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
35 mph – Outlying district ^(d) within city or village limits	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
35 mph – Semi-urban district ^(d) outside corporate limits of a city or village	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
15 mph – School zone, when conditions are met	Raise the speed limit to that of the roadway. Lower the speed limit by 10 MPH or less.
15 mph – School crossing, when conditions are met	Raise the speed limit to that of the adjacent street. Lower the speed limit by 10 MPH or less.
15 mph – Pedestrian safety zone with public transit vehicle stopped	No changes permitted.
15 mph – Alley	Lower by 10 MPH or less.
15 mph – Street or town road adjacent to a public park	Lower by 10 MPH or less.
Construction or maintenance zones, as appropriate ^(e)	State and local agencies have authority to establish.

Notes:

- (a) Source: Updated 2007-2008 Wisconsin Statutes Database
- (b) All speed limit changes shall be based on a traffic engineering study, including modifications allowed under State Statute. Local governments can implement speed limit changes on the local road system without WisDOT approval when proposals are within the constraints identified above.
- (c) Per Statute 346.57(1)(ar) "outlying district" is an area contiguous to any highway within the corporate limits of a city or village where on each side of the highway within any 1,000 feet buildings are spaced on average more than 200 feet apart.
- (d) Per Statute 346.57(1)(b) "semiurban district" is an area contiguous to any highway where on either or both sides of the highway within any 1,000 feet buildings are spaced on average not more than 200 feet apart.
- (e) Guidance on establishing speed limits in work zones is available in http://dotnet/dtid_bho/extranet/manuals/tgm/13/13-05-06.pdf.

Modified from original found in WisDOT Traffic Guidelines Manual, Chapter 13-5-1, Figure 1, June 2009.

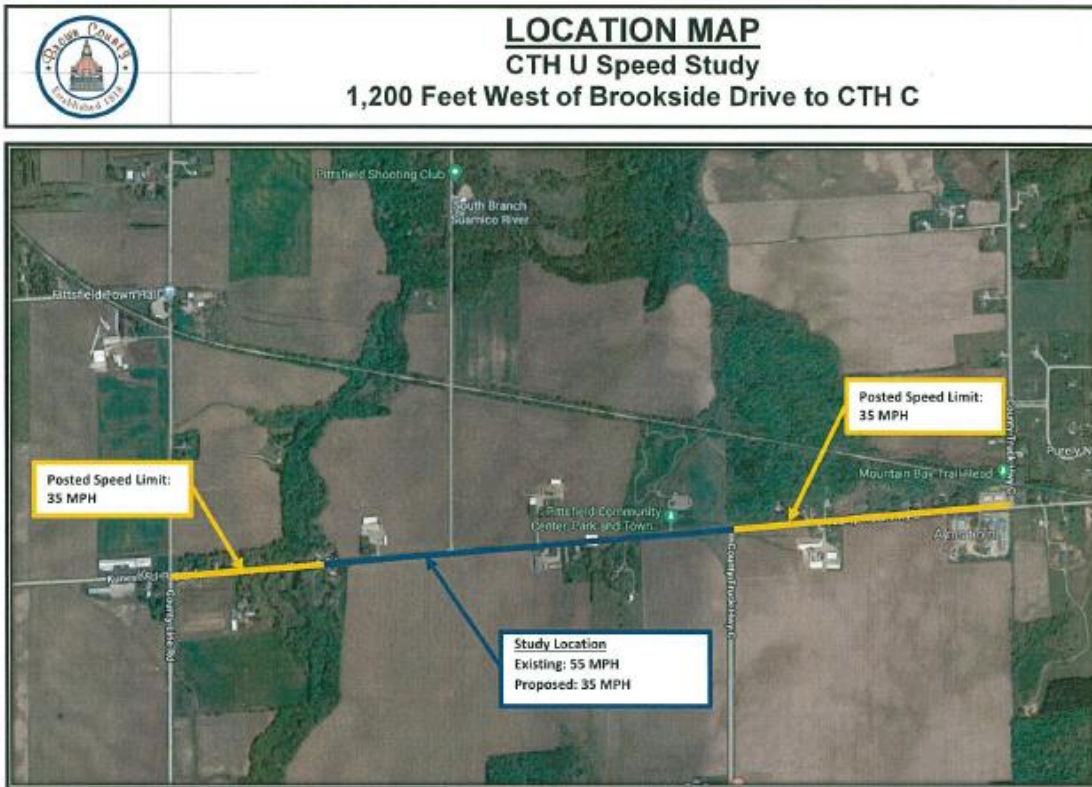
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References

Wisconsin Statewide Speed Management Guidelines. Wisconsin Department of Transportation Bureau of Highway Operations, Traffic Engineering Section, June 2009

Wisconsin Transportation Bulletin No. 21, Setting Speed Limits on Local Roads. Wisconsin Transportation Information Center, 1999

Setting Appropriate Speed Limits on Wisconsin's State Highways. Wisconsin Department of Transportation. -----



11h

July 17, 2019

TO THE HONORABLE CHAIRMAN AND
MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION AUTHORIZING COUNTY TRUNK HIGHWAY
JURISDICTIONAL REVISIONS ON COUNTY HIGHWAY U,
IN THE TOWN OF PITTSFIELD, BROWN COUNTY**

WHEREAS, Section 83.025 of the Wisconsin Statutes authorizes the County Board to make changes in the County Trunk Highway System if it deems that the public good is best served thereby, and such revisions to the highway system require the consent of the Wisconsin Department of Transportation, and approval of the governing body of the city, village or town in which the proposed change is located; and

WHEREAS, to improve the County Trunk Highway System for reasons of public safety and efficiency, Brown County entered into municipal agreements with the Village of Hobart, Village of Howard, and the State of Wisconsin to cost share the construction of a new interchange on STH 29 at CTH VV, and the removal of the intersection of CTH U (N. County Line Road) with STH 29 [see attached Jurisdictional Transfer Map for additional information]; and

WHEREAS, CTH U from STH 29 to Glendale Avenue will be eliminated.

NOW, THEREFORE, BE IT RESOLVED that the 2.98 mile segment of CTH U from Glendale Avenue to CTH C be removed from the County Trunk Highway System and jurisdictionally transferred to the Town of Pittsfield; and

BE IT FURTHER RESOLVED that, upon adoption of this resolution, the County Clerk will submit two (2) copies to the Wisconsin Department of Transportation, Northeast Region, Green Bay, for approval, and that this resolution shall take effect upon completion of the

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improvement project and upon receipt of appropriate action from the Town of Pittsfield evidencing their concurrence with this resolution.

Fiscal Note: This resolution does not require an appropriation from the General Fund.

Respectfully submitted,

PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

Approved By:


TROY STRECKENBACH
COUNTY EXECUTIVE

Date Signed: 7/18/19

19-052R

Authored by: Public Works - Highway Division
Final Draft Approved by Corporation Counsel

BOARD OF SUPERVISORS ROLL CALL # _____

Vote Vote Taken

Motion made by Supervisor Landwehr

Seconded by Supervisor Denays

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
SIEBER	1				
DE WANE	2				
NICHOLSON	3				
HOYER	4				
GRUSZYNSKI	5				
LEFEBVRE	6				
BRJONSON	7				
BORCHARDT	8				
EVANS	9				
VANDER LEST	10				
BUCKLEY	11				
LANDWEHR	12				
DANTINNE, JR	13				

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
BRUSKY	14				
BALLARD	15				
KASTER	16				
VAN DYCK	17				
LINGSSEN	18				
KNEISZEL	19				
DESLAURIERS	20				
TRAN	21				
MCYNNHAM, JR.	22				
SLENNEN	23				X
SCHADWALD	24				
LUND	25				
DENEYS	26				

Total Votes Cast: 25

Motion: Adopted ☒ Defeated ☐ Tabled ☐

11h

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE
GREEN BAY, WI 54303

PHONE (920) 662-2160 FAX (920) 434-4576
EMAIL: bc_highway@co.brown.wi.us

PAUL A. FONTECCHIO, P.E.
DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 6/4/2019
REQUEST TO: Planning, Development & Transportation Committee
MEETING DATE: 6/24/2019
REQUEST FROM: Paul Fontecchio, Director
REQUEST TYPE: ☒ New resolution ☐ Revision to resolution
☐ New ordinance ☐ Revision to ordinance

TITLE: RESOLUTION REGARDING THE JURISDICTIONAL TRANSFER OF CTH U TO THE TOWN OF PITTSFIELD

ISSUE/BACKGROUND INFORMATION:

Brown County has entered into municipal agreements with the Village of Hobart, Village of Howard, and State of Wisconsin to cost share the construction of a new interchange on STH 29 at CTH VV and the removal of the intersection of CTH U with STH 29.

CTH U from STH 29 to Glendale Avenue will be eliminated. The 2.98 mile segment of CTH U from Glendale Avenue to CTH C will be removed from the County Trunk Highway System and jurisdictionally transferred to the Town of Pittsfield.

ACTION REQUESTED:

Requesting approval by the Planning, Development & Transportation (PD&T) Committee at the June 24, 2019, PD&T meeting and to forward on to the County Board of Supervisors for approval and implementation.

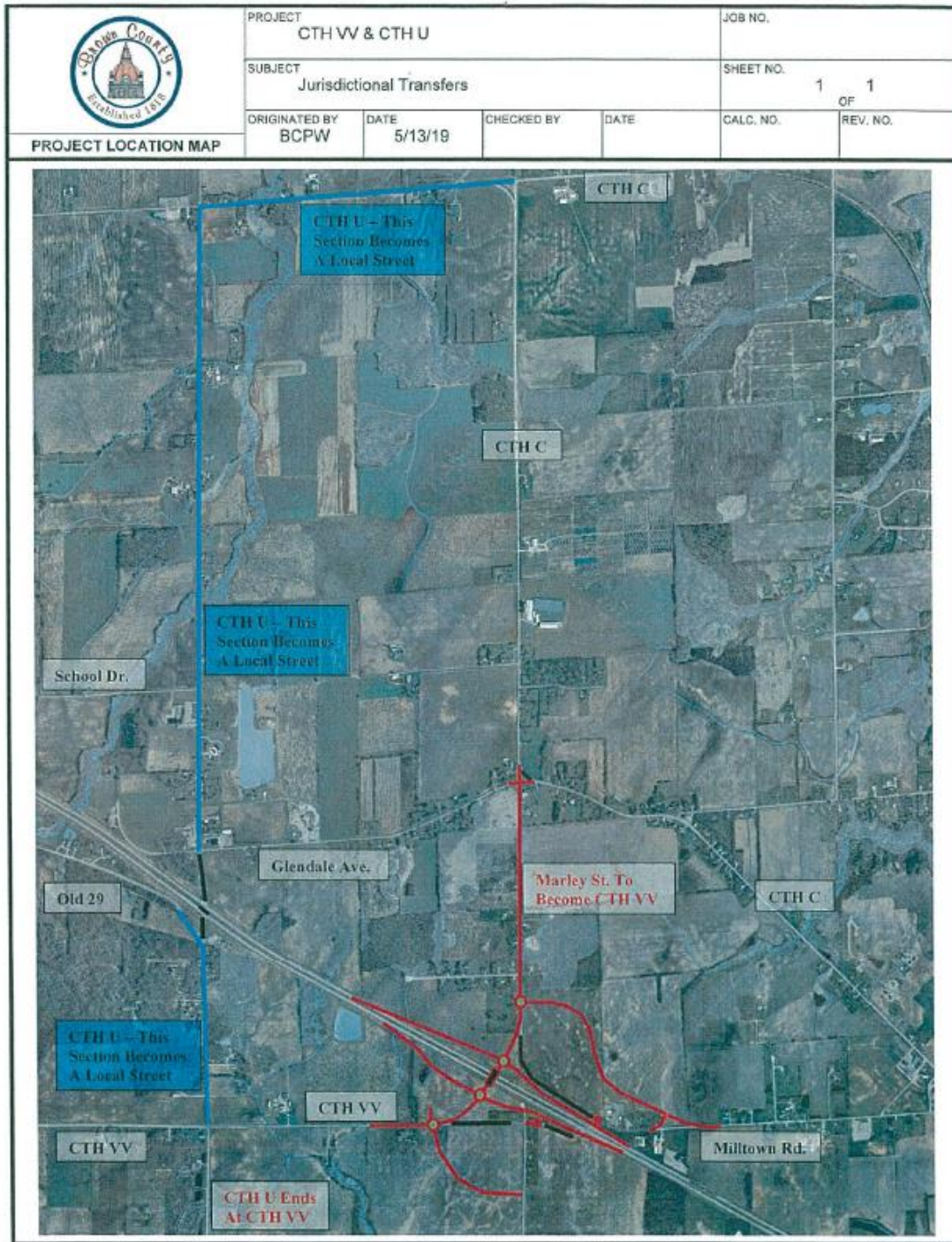
FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☒ Yes ☐ No
 - a. If yes, what is the amount of the impact? \$1,572,085 – County Cost Share of Design, R/W, and Construction
 - b. If part of a bigger project, what is the total amount of the project? \$1,572,085
 - c. Is it currently budgeted? ☒ Yes ☐ No
2. If yes, in which account? 440.044.6182.200
3. If no, how will the impact be funded? _____

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

11h



No. 11i -- **ORDINANCE TO AMEND SCHEDULE A OF SECTION 340.0003 OF CHAPTER 340 OF THE BROWN COUNTY CODE OF ORDINANCES CTH VV – VILLAGE OF HOBART – VILLAGE OF HOWARD – TOWN OF PITTSFIELD.**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Schedule A of Section 340.0003 of Chapter 340 is hereby amended as follows:

County Trunk Highway “VV”, Village of Hobart, Village of Pulaski, and Town of Pittsfield

Thirty-five miles per hour from 500 feet west of CTH “TS” to CTH “C” (Glendale Avenue).

Section 2 - This ordinance shall become effective upon passage and publication pursuant to law and upon completion of the CTH VV improvement project.

Respectfully submitted,

PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

Approved By:

/s/ Troy Streckenbach 01/17/2020
COUNTY EXECUTIVE (Date)

/s/ Sandra L. Juno 01/16/2020
COUNTY CLERK (Date)

/s/ Patrick W. Moynihan, Jr. 01/15/2020
COUNTY BOARD CHAIR (Date)

20-0040

Authored by: Public Works - Highway Division

Approved by: Corporation Counsel

Fiscal Note: This ordinance does not require an appropriation from the General Fund. This work will be funded through the Public Works-Highway Capital project fund.

A motion was made by Supervisor Deneys and seconded by Supervisor Suennen **“to adopt.”** Voice vote taken. Motion carried unanimously with no abstentions.

ATTACHMENTS TO ORDINANCE #11I
ON THE FOLLOWING PAGES

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE
GREEN BAY, WI 54303

PHONE (920) 662-2160 FAX (920) 434-4576
EMAIL: bc_highway@co.brown.wi.us

PAUL A. FONTECCHIO, P.E.
DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 11/21/2019
REQUEST TO: Planning, Development & Transportation Committee
MEETING DATE: 12/16/2019
REQUEST FROM: Paul Fontecchio, Director
REQUEST TYPE: ☐ New resolution ☐ Revision to resolution
☐ New ordinance ☒ Revision to ordinance

TITLE: AN ORDINANCE TO AMEND SCHEDULE A OF SECTION 340.0003 OF CHAPTER 340 OF THE BROWN COUNTY CODE OF ORDINANCES CTH VV – VILLAGE OF HOBART - VILLAGE OF HOWARD - TOWN OF PITTSFIELD

ISSUE/BACKGROUND INFORMATION:

Ensure the safety of the traveling public of Brown County. See attached Speed Study.

ACTION REQUESTED:

Recommend the PD&T Committee approve the Ordinance, to set the speed limit on CTH VV to 35 mph from 500 feet west of CTH TS to CTH C and forward on to the County Board of Supervisors for approval and implementation.

FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☒ Yes ☐ No
 - a. If yes, what is the amount of the impact? \$1,572,085 – County Cost Share of Design, R/W, and Construction
 - b. If part of a bigger project, what is the total amount of the project? \$1,572,085
 - c. Is it currently budgeted? ☒ Yes ☐ No
2. If yes, in which account? 440.044.6182.200 (Construction Highway)
3. If no, how will the impact be funded? _____

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

11

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE
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PAUL A. FONTECCHIO, P.E.
DIRECTOR

**SPEED STUDY
CTH VV FROM 500 FEET WEST OF CTH TS
(FUTURE ROAD) TO CTH C (GLENDALE AVE)**

Purpose

The purpose of this study is to determine a reasonable and prudent speed limit on CTH VV from 500 feet west of CTH TS (future road) to CTH C (Glendale Avenue) by using data driven decisions and sound traffic engineering principles.

CTH VV will be reconstructed as part of the STH29/CTH VV interchange project from 500 feet west of CTH TS (future road) in the Village of Hobart to Millwood Court in the Village of Howard. Marley Street will be reconstructed from Millwood Court to CTH C (Glendale Avenue); this work will take place concurrently with the interchange project. After construction is complete, Marley Street will be jurisdictionally transferred to Brown County and will become CTH VV.

Background Information

Wisconsin State Statute Section 346.57(4) defines speed limits for all public roadways based on factors that include surrounding land use, roadway jurisdiction, and roadway type. These speed limits, referred to as statutory speed limits, are summarized in Table 1.

While state statute establishes speed limits for roadways, Section 349.11 also gives local government the authority to change the speed limit on the local road system within the constraints identified in Table 1. WisDOT approval is required for proposed changes to speed limits that are outside the constraints identified in Table 1.

According to Brown County Corporation Counsel:

In order to modify a speed limit in Wisconsin, a speed study must be conducted and the results of the speed study must support the proposed modification, or it cannot legally be done (see Wis Stat. Sec. 349.11, entitled "Authority to modify speed restrictions," which requires that speed limit modifications be based on "...an engineering and traffic investigation. . .," more commonly known as a speed study).

In accordance with the Wisconsin Transportation Bulletin No. 21, engineering studies should include the following:

- 85th Percentile Speed
- Reported Accidents
- Development / Driveway Access
- Sight Distances

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- Road Geometrics
- Parking and Pedestrian/Bicycle Conflicts
- Pavement Surface
- Enforcement Level

Existing and Proposed Roadway

CTH VV (Triangle Drive) from 500 feet west of CTH TS (future road) to STH 29 is located in the Village of Hobart and currently provides access from CTH U to STH 29. This portion of CTH VV is 0.54 miles long and is classified as a rural major collector. The average annual daily traffic (AADT) is 1,800 vehicles. The AADT is projected to increase to 2,800 after the interchange is constructed.

Marley Street from the STH 29 right-of-way to CTH C (Glendale Ave) and is located in the Village of Howard and Town of Pittsfield. This portion of Marley Street is 1.17 miles long and is classified as a collector. The average annual daily traffic (AADT) is 1,100 vehicles. The AADT is projected to increase to 5,100 after the interchange is constructed. Marley Street will be jurisdictionally transferred to Brown County and will become CTH VV.

The existing pavement on CTH VV (Triangle Drive) was evaluated in 2017 and has a Pavement Surface Evaluation and Rating (PASER) of 7; Marley Street was evaluated in 2017 and has a Pavement Surface Evaluation and Rating (PASER) of 6. The rating system is based on a scale of 1 to 10 with a 10 rating being excellent condition (newly placed pavement) and a 1 rating being failed condition. The pavement rating will increase to a 10 after the reconstruction projects are complete.

The proposed projects consist of reconstructing CTH VV from 500 feet west of CTH TS (future road) to STH 29. Simultaneously, Marley Street will be reconstructed from the STH 29 right-of-way to CTH C (Glendale Avenue). A diamond interchange will be constructed at STH 29. Roundabouts will be constructed on CTH VV at CTH TS (future road), at the interchange ramps, and at Evergreen Avenue (future road). The intersection of Marley Street and CTH C (Glendale Avenue) will be reconstructed as a 4 leg intersection with stop control on CTH C (Glendale Avenue).

The proposed roadway will consist of two 12-foot lanes, 4-foot to 5-foot outside shoulder and 30-inch curb and gutter. Portions of the project include a raised median or a two-way left-turn-lane (TWLTL).

The existing speed limit on CTH VV is 55 mph and the existing speed limit on Marley Street is 45 mph. CTH VV and Marley Street (future CTH VV) will be designed to accommodate a speed limit of 35 MPH.

Because the reconstructed roadway will be designed to accommodate a 35 mph posted speed limit, the 85th percentile speed and reported accidents were not evaluated in this speed study.

Development / Driveway Access

Land use, zoning, and driveway access along a corridor is used to determine a rational speed limit based on statutory speed limits and constraints identified in Table 1. It also can play a significant role in driver expectancy and vehicle speeds along the roadway.

The property along CTH VV in the Village of Hobart is zoned residential and commercial. Marley Street in the Village of Howard, is currently zoned as rural estate and exclusive agriculture. The Property along Marley Street in the Town of Pittsfield is a mix of Agricultural, Single-Family Residential and Natural Areas, Woodlands, and undeveloped Open Space.

There is one farm on CTH VV before the first roundabout at CTH TS and no development until after the last roundabout at Evergreen Avenue. The four proposed roundabouts will act as a traffic calming measure. There are single family homes north of Evergreen Avenue for 0.2 miles and then a gap of about 0.3 miles before the next development.

Although development is limited, in the most dense 1,000-foot stretch, driveway spacing is an average of 125 feet. The minimum length of a speed zone is 0.3 miles; however, it would be impractical to raise the speed limit for the 0.3 mile stretch between developments on the future CTH VV.

Access density along CTH VV from CTH TS to CTH C warrants a reduction in speed.

Road Geometrics/Sight Distance

The design speed of a roadway is considered when developing a recommended speed limit. This is the highest safe speed for which the road was designed.

The proposed roadway will be designed to accommodate a 35 mph posted speed limit. Also the addition of the roundabouts act as a traffic calming measure.

After construction, CTH VV will have an urban typical section with vertical face curb and gutter. Vertical face curbs are not allowed when the posted speed is greater than 40 mph.

Roadway reconstruction was designed to accommodate 35 mph posted speed limit.

Parking and Pedestrian/Bicycle Conflicts

On-street parking, pedestrian and bicycle activity play a significant role in driver expectancy and vehicle speeds along a roadway.

CTH VV and Marley Street currently do not accommodate on-street parking or bicycle traffic.

The proposed typical section includes sidewalk on both sides of the roadway and paved shoulders (4 feet to 5 feet in width) that will accommodate bicycle traffic. There is no parking in this segment of roadway.

Pedestrian and bicycle accommodations are included in the reconstruction project.

Enforcement Level

Recommended changes to the speed limit should be consistent, safe, reasonable, and enforceable. When 85% of drivers voluntarily comply with speed limits, it is possible and reasonable to enforce the limits with the 15% who drive too fast.

The Brown County Sheriff's Office enforces the speed limits on the county highway system. Officers regularly patrol CTH VV as part of their route.

Recommendation

Brown County Public Works Department recommends a 35 mph posted speed limit on CTH VV from 500 feet west of CTH TS (future road) to CTH C (Glendale Avenue) because the proposed road will be designed to accommodate a 35 mph posted speed limit.

The roadway will have an urban typical section with vertical face curb and gutter, which is suitable for a speed limit of 35 mph. The 35 mph speed limit will take effect upon completion of the CTH VV project in 2022.

See attached map for the limits of the recommended 35 mph speed zone.

Table 1
Speed Limits and Authority to Change

Fixed Limits – Statute 346.57(4) ^(a)	Local Government Authority ^(b) – Statute 349.11(3) and (7) ^(a)
65 mph – Freeway / Expressway	WisDOT only.
55 mph – State Trunk Highways (STHs)	WisDOT only.
55 mph – County Trunk Highways (CTHs), town roads	Lower the speed limit by 10 MPH or less.
45 mph – Rustic roads	Lower the speed limit by 15 MPH or less.
35 mph – Town road (1,000' min) with 150' driveway spacing	Lower the speed limit by 10 MPH or less.
25 mph – Inside corporate limits of a city or village (other than outlying district)	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
35 mph – Outlying district ^(c) within city or village limits	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
35 mph – Semi-urban district ^(d) outside corporate limits of a city or village	Raise the speed limit to 55 mph or less. Lower the speed limit by 10 mph or less.
15 mph – School zone, when conditions are met	Raise the speed limit to that of the roadway. Lower the speed limit by 10 MPH or less.
15 mph – School crossing, when conditions are met	Raise the speed limit to that of the adjacent street. Lower the speed limit by 10 MPH or less.
15 mph – Pedestrian safety zone with public transit vehicle stopped	No changes permitted.
15 mph – Alley	Lower by 10 MPH or less.
15 mph – Street or town road adjacent to a public park	Lower by 10 MPH or less.
Construction or maintenance zones, as appropriate ^(e)	State and local agencies have authority to establish.

Notes:

- (a) Source: Updated 2007-2008 Wisconsin Statutes Database
- (b) All speed limit changes shall be based on a traffic engineering study, including modifications allowed under State Statute. Local governments can implement speed limit changes on the local road system without WisDOT approval when proposals are within the constraints identified above.
- (c) Per Statute 346.57(1)(ar) "outlying district" is an area contiguous to any highway within the corporate limits of a city or village where on each side of the highway within any 1,000 feet buildings are spaced on average more than 200 feet apart.
- (d) Per Statute 346.57(1)(b) "semiurban district" is an area contiguous to any highway where on either or both sides of the highway within any 1,000 feet buildings are spaced on average not more than 200 feet apart.
- (e) Guidance on establishing speed limits in work zones is available in <http://dotnet/dtd/bho/extranet/manuals/tgm/13/13-05-06.pdf>.

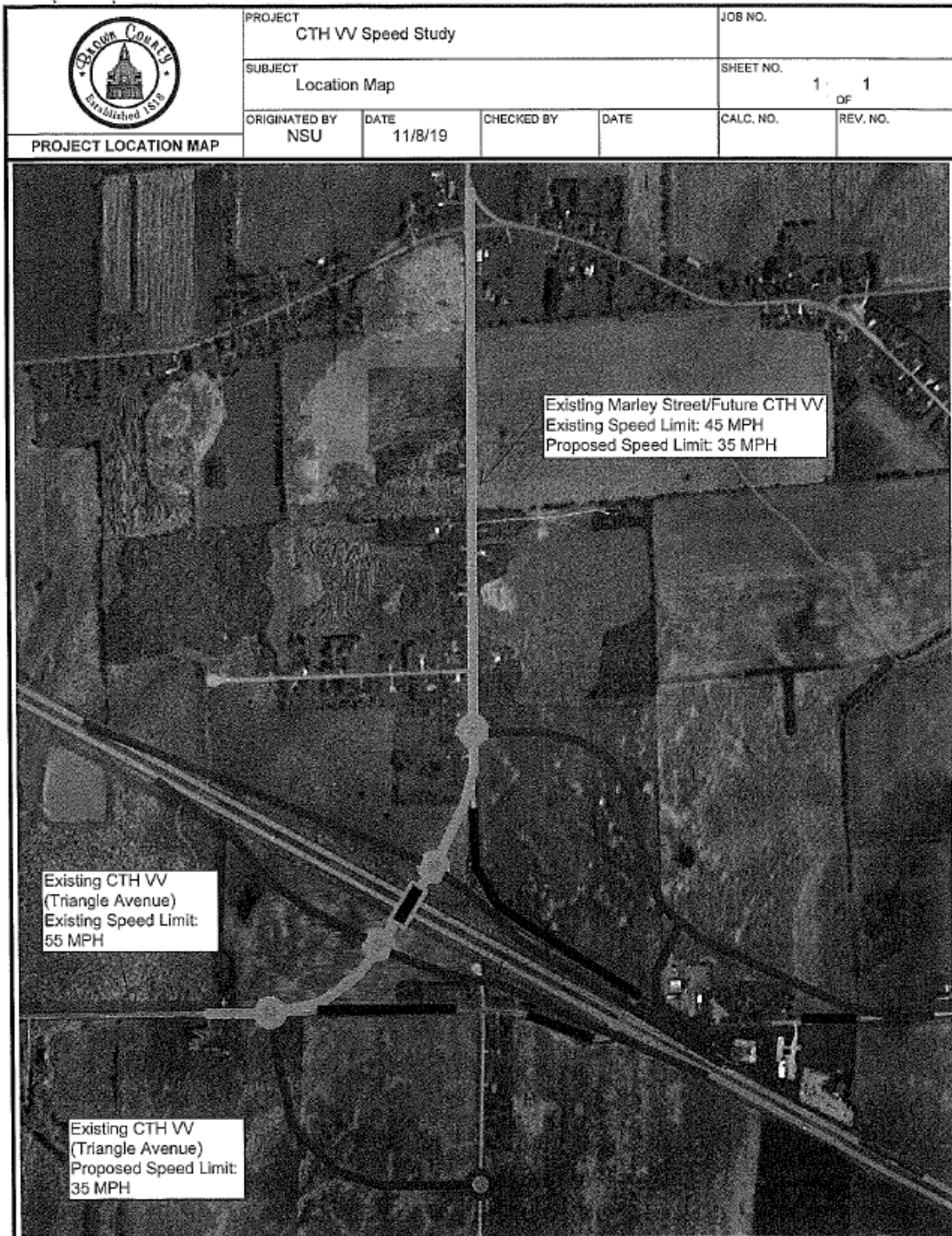
Modified from original found in WisDOT Traffic Guidelines Manual, Chapter 13-5-1, Figure 1, June 2009.

References

Wisconsin Statewide Speed Management Guidelines. Wisconsin Department of Transportation Bureau of Highway Operations, Traffic Engineering Section, June 2009

Wisconsin Transportation Bulletin No. 21, Setting Speed Limits on Local Roads. Wisconsin Transportation Information Center, 1999

Setting Appropriate Speed Limits on Wisconsin's State Highways. Wisconsin Department of Transportation.



JK

No. 12 -- **CLOSED SESSION:** In regard to conducting Public Business regarding Golf Course Operations was struck from the agenda.

No. 13 -- **SUCH OTHER MATTERS AS AUTHORIZED BY LAW.**

None.

No. 14 -- **BILLS OVER \$5,000 FOR PERIOD ENDING DECEMBER 2019.**

A motion was made by Supervisor Ballard and seconded by Supervisor Hoyer “**to pay the bills for the period ending December 2019.**” Voice vote taken. Motion carried unanimously.

No. 15 -- **CLOSING ROLL CALL**

Present: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Borchardt, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Kneiszel, Deslauriers, Tran, Moynihan, Suennen, Schadewald, Lund, Deneys.

Total Present: 26

No. 16 -- **ADJOURNMENT TO WEDNESDAY, FEBRUARY 19, 2020 AT 7:00 P.M.,
LEGISLATIVE ROOM 203, 100 N. JEFFERSON ST., GREEN BAY,
WISCONSIN.**

A motion was made by Supervisor Dantine and seconded by Supervisor Suennen “**to adjourn to the above date and time.**” Voice vote taken. Motion carried unanimously.

Meeting Adjourned at 12:37am

/s/ Sandra L. Juno
SANDRA L. JUNO
Brown County Clerk

PUBLIC COMMENT LETTERS READ BY SUPERVISOR DESLAURIERS
ON THE FOLLOWING PAGES

— André Jacque —

Supervisor Deslauriers,

I am unable to attend the county board meeting tonight due to legislative obligations in Madison, but I want to thank you for your leadership in introducing a resolution to declare Brown County a sanctuary for our Second Amendment rights in accordance with the United States Constitution and “right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose” under the Wisconsin Constitution. I commend the Executive Committee in unanimously supporting this declaration and declaring its opposition to unconstitutional laws. The current form of the resolution- which I support - fully, consistently and concisely achieves your purpose and pushes back against attempts by state and federal lawmakers seeking to usurp our freedom, and I urge its passage in its present form.

Sincerely,

André Jacque
State Senator
Wisconsin’s 1st Senate District



JOHN J. MACCO

STATE REPRESENTATIVE • 88TH ASSEMBLY DISTRICT

January 15, 2020

Chairman Patrick Moynihan
Brown County Board of Supervisors

The Honorable Troy Streckenbach
Brown County Executive

Dear Chairman Moynihan and Mr. Streckenbach:

Wisconsin has a strong history of support for our second amendment rights to bear arms, not just for sport and hunting, but also defense. Our main hearing room in Madison is called the Grand Army of the Republic (GAR) hearing room. On its walls and ceiling are listed the wars and skirmishes from the Battle of Sewell's Point and the Battle of Boonville to the Battle of Chattanooga and the Battle Chickamauga in which the Wisconsin Militia have served. If you have a chance to tour the capitol, please be sure to visit the GAR and acknowledge the individuals who have stepped forward to defend our way of life.

Although there are those in the executive branch who seek to amend our constitutional rights, Wisconsin remains fortunate that both chambers of our current legislature, as well as our current supreme court, have consistently supported and defended those rights. However, that may not always be the case, and therefore I support the Brown County board's efforts to reiterate our 2nd amendment rights here in Brown County and Wisconsin.

To be sure, there are those who would mean public harm. Wisconsin is diligent in its efforts to prevent that. The Wisconsin Department of Justice as well as the National Instant Criminal Background Check System (NICS), consistently ensures that all background checks are conducted so that those who have lost their 2nd amendment rights are not able to purchase a weapon. Our law enforcement agencies work behind the scenes along with Homeland Security in identifying and investigating those that would mean us harm. Additionally, the Wisconsin legislature has strengthened the Straw Man law preventing an eligible person from purchasing a weapon for an ineligible person.

As such, thank you for your leadership in reaffirming our 2nd amendment right.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Macco".

John J. Macco
Representative 88th District
Chairman, Assembly Committee on Ways and Means

P.O. Box 8953 • Madison, Wisconsin 53708 • 608-266-0485 • Toll-Free: 888-534-0088
RepJohnMacco.com • Rep.Macco@legis.wi.gov



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Brown County Supervisor Steve Deslauriers
305 East Walnut Street
Green Bay, WI 54301

Supervisor Deslauriers,

I am writing in strong support of your resolution to designate Brown County as a Second Amendment Sanctuary.

Our Constitutional rights are the bedrock of our legal system and the proud liberal tradition that began in 1215 with Magna Carta. Recent attacks on the Second Amendment are disturbing, and must be opposed.

So-called “red flag laws” are in direct violation of our Second, Fourth, Fifth, and Sixth Amendment rights and their corresponding sections provided in the Wisconsin Constitution.

Contrary to counsel David Hemery’s claims, it would violate supervisor’s oaths of office to *not* support this measure. Elected officials take an oath to the Constitutions of the United States and the State of Wisconsin, both of which recognize the inalienable right of the people to bear arms, without reservation.

When politicians pass laws that are in direct violation of the Constitution, such laws are not laws at all. They are, by definition, unconstitutional. It is the duty of all elected officials and officers of the state to uphold the Constitutional rights of the people against such measures. In our Republican form of government, it falls on those elected bodies closest to the people to protect their rights when powers are assumed which have not been delegated. In this instance, our County officials, the Sheriff, and municipal officials have the solemn duty to refuse to enforce unconstitutional “red flag” laws – just as our Wisconsin Supreme Court and legislators refused to enforce the unconstitutional Fugitive Slave Act in defiance of the Federal judiciary.

Our system is not a free-for-all in which politicians can invent themselves new powers or abridge our rights. That is the very purpose of the Constitution’s restrictions on government power. As Thomas Jefferson stated, “In questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution.”

Representative Shae Sortwell
Second Assembly District

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Rep.Sortwell@legis.wi.gov
